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HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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REMINDERS

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. In the last issue of the month the cumulative list will appear at the end of the issue.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1973, and specifies how they are affected.

Presidential Documents

Title 3—The President

PROCLAMATION 4247

Country Music Month, October 1973

By the President of the United States of America

A Proclamation

We do not truly know America until, in Whitman's phrase, we "hear America singing"—singing not only the songs of concert stage and night-club, choir loft and schoolroom, but also the earthy, emotion-packed melodies and lyrics that have come to be called "country."

At one time, that particularly rich and honest strain in the American musical tradition was largely confined to the geographic areas its name implies: the countryside and Western ranges of America's heartland. But half a century ago, in 1923, Fiddlin' John Carson broke through with the first widely popular country music recording, and since then records and the broadcast airwaves have been winning new audiences for country and Western music all over America and around the world—so that now the term describes not just a locale but a state of mind and style of taste, as much beloved downtown as on the farm.

Today, no matter where men and women happen to live, country music may be one of the truest voices speaking to and for them. All of us can better understand our Nation's head and heart by listening to "hear America singing" in that voice.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, ask Americans to mark the month of October, 1973, with suitable observances as Country Music Month.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of September, in the year of our Lord nineteen hundred and seventy-three, and of the Independence of the United States of America the one hundred ninety-eighth.

Richard Nixon

[FR Doc.73-21096 Filed 10-1-73;11:10 am]

Rules and Regulations

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

DIRECTOR, OFFICE OF INFORMATION SYSTEMS

Sections 2.76 and 2.78, Title 7, Code of Federal Regulations, are amended to transfer the authority relating to organizational analysis and planning and the authority to authorize organizational changes from the Director, Office of Personnel, to the Director, Office of Information Systems.

Section 2.76 is amended by revising paragraph (a) (1) and by adding a new paragraph (a) (9) and paragraph (b) to read as follows:

§ 2.76 Director, Office of Information Systems.

(a) * * *

(1) Administer the Department's management improvement program including the provision of assistance to agencies through management studies, organizational analysis and planning; review the management and operating policies and processes, search for more economical approaches to the conduct of business and provide such other assistance as will aid in improving the management effectiveness, organization and operation of the Department's programs.

* * * * *

(9) Authorize organizational changes which occur in:

(i) Departmental organizations:

(*a*) Division (or comparable component).

(*b*) Branch (or comparable component in Departmental Centers, only).

(ii) Field organizations:

(*a*) First organizational level;

(*b*) Next lower organizational level—required only for those types of field installations where the establishment, change in location, or abolition of same, requires approval in accordance with 1 AR 673.

§ 2.78 [Amended]

Section 2.78, Paragraph (a) (9) (xiii) is deleted.

Section 2.78, Paragraph (a) (10) (i) is deleted.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

SEPTEMBER 27, 1973.

[FR Doc.73-20934 Filed 10-1-73;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Appendix—Third Apportionment of Nonfood Assistance Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1973

Pursuant to section 5 of the Child Nutrition Act of 1966, Pub. L. 89-642, 80 Stat. 887, nonfood assistance funds available for the fiscal year ending June 30, 1973, are reapportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$292,626	$289,195	$3,431
Alaska	30,289	30,289	
Arizona	203,096	203,096	
Arkansas	161,565	161,110	455
California	1,330,983	1,330,983	
Colorado	144,513	140,822	3,691
Connecticut	349,012	349,012	
Delaware	35,457	35,457	
District of Columbia	34,889	34,889	
Florida	555,295	555,295	
Georgia	474,041	474,041	
Guam	4,467	4,467	
Hawaii	59,797	44,499	15,333
Idaho	129,488	123,119	3,569
Illinois	1,118,374	1,118,374	
Indiana	351,764	351,764	
Iowa	265,022	178,846	23,176
Kansas	409,425	409,425	
Kentucky	301,328	301,328	
Louisiana	370,240	370,240	
Maine	201,453	189,971	11,482
Maryland	163,542	163,542	
Massachusetts	1,018,836	1,018,836	
Michigan	1,037,976	1,037,976	
Minnesota	414,859	414,859	
Mississippi	213,703	213,703	
Missouri	365,018	365,018	
Montana	266,765	257,312	9,453
Nebraska	223,864	183,762	40,102
Nevada	14,245	14,245	
New Hampshire	92,135	92,135	
New Jersey	1,104,838	839,587	265,251
New Mexico	110,574	110,574	
New York	1,571,224	1,571,224	
North Carolina	321,637	321,637	
North Dakota	99,884	95,404	4,480
Ohio	1,501,993	1,429,107	72,891
Oklahoma	189,537	189,537	
Oregon	184,992	184,992	
Pennsylvania	1,396,029	1,048,082	349,947
Puerto Rico	129,438	129,438	
Rhode Island	339,384	339,384	
Samoa, American	4,035	4,035	
South Carolina	253,843	249,490	4,353
South Dakota	83,745	83,745	
Tennessee	$226,284	$223,044	$2,340
Texas	631,687	607,861	23,826
Trust Territory			
Utah	166,657	166,657	
Vermont	110,660	110,660	
Virginia	253,533	243,276	10,253
Virgin Islands	9,180	9,180	
Washington	195,005	176,267	18,733
West Virginia	145,214	133,714	11,500
Wisconsin	429,510	389,298	40,212
Wyoming	26,623	26,623	
Total	21,000,000	20,143,617	856,383

Pursuant to section 5(b) and 5(e) of the Child Nutrition Act of 1966, as amended, Pub. L. 89-642, 80 Stat. 887, nonfood assistance funds available for the fiscal year ending June 30, 1973, are apportioned among the States as follows:

SECTION 5(b)

State	Total apportionment	State agency	Withheld for private schools
Alabama	$292,626	$289,195	$3,431
Alaska	10,862	10,862	
Arizona	102,657	102,657	
Arkansas	161,565	161,110	455
California	619,835	619,835	
Colorado	117,790	114,099	3,691
Connecticut	63,260	63,260	
Delaware	23,457	23,457	
District of Columbia	31,914	31,914	
Florida	457,295	457,295	
Georgia	427,517	427,517	
Guam	4,112	4,112	
Hawaii	46,041	44,499	2,232
Idaho	47,203	46,660	703
Illinois	436,979	436,979	
Indiana	201,835	201,835	
Iowa	153,238	145,061	8,227
Kansas	143,113	143,113	
Kentucky	273,613	273,613	
Louisiana	370,240	370,240	
Maine	60,376	55,873	4,503
Maryland	106,977	106,977	
Massachusetts	201,743	201,743	
Michigan	262,835	262,835	
Minnesota	200,804	200,804	
Mississippi	191,767	191,767	
Missouri	284,000	284,000	
Montana	22,129	21,152	977
Nebraska	59,035	83,126	10,049
Nevada	8,003	8,003	
New Hampshire	24,448	24,448	
New Jersey	191,235	182,235	9,300
New Mexico	83,914	83,914	
New York	794,272	794,272	
North Carolina	308,509	308,509	
North Dakota	48,650	44,170	4,480
Ohio	335,453	306,118	29,340
Oklahoma	111,822	111,822	
Oregon	118,419	118,419	
Pennsylvania	643,910	598,947	44,963
Puerto Rico	113,433	113,433	
Rhode Island	28,662	28,662	
Samoa, American	2,589	2,589	
South Carolina	221,750	219,450	2,240
South Dakota	50,203	50,203	
Tennessee	243,667	241,567	2,340
Texas	629,459	617,614	11,845
Trust Territory			
Utah	99,049	99,049	
Vermont	23,677	23,677	

SECTION 5(b)—Continued

State	Total apportionment	State agency	Witheld for private schools
Virginia	242,758	240,706	2,052
Virgin Islands	4,867	4,867	
Washington	131,017	129,502	1,515
West Virginia	122,538	121,401	1,137
Wisconsin	188,869	173,549	15,320
Wyoming	12,693	12,693	
Total	10,500,000	10,340,300	159,700

SECTION 5(e) RESERVED

State	Total apportionment	State agency	Witheld for private schools
Alabama			
Alaska	$25,427	$25,427	
Arizona	100,139	100,139	
Arkansas			
California	717,103	717,103	
Colorado	26,723	26,723	
Connecticut	271,752	271,752	
Delaware	12,000	12,000	
District of Col.	2,925	2,925	
Florida	98,000	98,000	
Georgia	6,524	6,524	
Guam	355	355	
Hawaii	13,156		$13,156
Idaho	79,125	76,459	2,666
Illinois	621,395	621,395	
Indiana	149,899	149,899	
Iowa	51,734	34,785	16,949
Kansas	266,312	266,312	
Kentucky	22,715	22,715	
Louisiana			
Maine	141,077	134,098	6,979
Maryland	62,565	62,565	
Massachusetts	1,657,093	1,657,093	
Michigan	775,091	775,091	
Minnesota	113,986	113,986	
Mississippi	21,916	21,916	
Missouri	20,328	20,328	
Montana	244,666	236,160	8,506
Nebraska	129,779	100,626	29,153
Nevada	5,642	5,642	
New Hampshire	67,687	67,687	
New Jersey	913,243	717,292	195,951
New Mexico	26,660	26,660	
New York	776,952	776,952	
North Carolina	13,148	13,148	
North Dakota	51,234	51,234	
Ohio	1,166,540	1,122,989	43,551
Oklahoma	27,715	27,715	
Oregon	66,483	66,483	
Pennsylvania	752,119	447,135	304,984
Puerto Rico	16,000	16,000	
Rhode Island	372,822	372,822	
Samoa, American	1,456	1,456	
South Carolina	2,118		2,118
South Dakota	33,442	33,442	
Tennessee	12,377	12,377	
Texas	52,228	40,247	11,981
Trust Territory			
Utah	67,008	67,008	
Vermont	87,013	87,013	
Virginia	10,780	2,569	8,211
Virgin Islands	4,313	4,313	
Washington	63,988	46,765	17,223
West Virginia	22,676	12,313	10,363
Wisconsin	240,641	215,749	24,892
Wyoming	13,930	13,930	
Total	10,500,000	9,803,317	696,683

(Secs. 2, 5, 6, and 8 through 16, 80 Stat. (885–890: U.S.C. 1771, 1774, 1775, 1777–1785).)

Dated September 26, 1973.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.73-20743 Filed 10-1-73;8:45 am]

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Discontinuance of Insurance in Counties Previously Designated for Cotton Crop Insurance

The counties listed below are hereby deleted from the list of counties published in the FEDERAL REGISTER on May 16, 1973 (38 FR 12810), which were designated for cotton crop insurance for the 1974 crop year pursuant to the authority contained in § 401.101 of the above-identified regulations.

ALABAMA

Barbour	Geneva
Coffee	Henry
Crenshaw	Houston
Dale	Pike

GEORGIA

Baker	Coffee
Bulloch	Tattnall
Calhoun	Toombs
Candler	

NORTH CAROLINA

Bertie	Moore
Chowan	Pitt
Cumberland	Richmond
Franklin	Rowan
Greene	Rutherford
Harnett	Sampson
Hertford	Warren
Iredell	Wayne
Johnston	Wilson
Montgomery	

VIRGINIA

Greensville

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.73-20889 Filed 10-1-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 273—BIOLOGICAL PRODUCTS

Additional Standards for Leukocyte Typing Serum

A notice of proposed rulemaking concerning additional standards of safety, purity, and potency for a new biological product identified as Leukocyte Typing Serum was published in the FEDERAL REGISTER of February 27, 1973 (38 FR 5258).

Leukocyte Typing Serum is an in vitro diagnostic product used to detect the presence of leukocyte antigens. In light of the critical importance of specific and potent Leukocyte Typing Serum, the Commissioner of Food and Drugs concluded that additional standards should be promulgated prior to consideration of any license application pursuant to section 351 of the Public Health Service Act.

Interested persons were provided 60 days to comment on the proposal. Seven comments were received and have been reviewed by scientists and experts in the Bureau of Biologics, Food and Drug Administration. In addition, an Ad Hoc Advisory Committee was convened by the Bureau of Biologics on April 24, 1973, to further review and discuss the proposed regulations.

During the evaluation of the proposed regulations for Additional Standards for Leukocyte Typing Serum, the Commissioner published in the FEDERAL REGISTER of March 15, 1973 (38 FR 7096), a final order establishing a new Part 167 (21 CFR 167) containing labeling requirements and procedures for the development of product class standards for all in vitro diagnostic products for human use. Section 167.6 (21 CFR 167.6) of these regulations exempts an in vitro biological product from the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (which prohibits interstate shipment of a new drug without Food and Drug Administration approval) and section 351 of the Public Health Service Act (which prohibits the sale, barter, or exchange in interstate or foreign commerce or within the District of Columbia, of any such product without a license) if it meets all the requirements of Part 167, unless the Commissioner of Food and Drugs finds that additional requirements should be imposed pursuant to sections 505 or 351 in order to protect the public health.

Leukocyte Typing Serum is a biological substance prepared from the blood or plasma of human donors or lower animals which may have great value as an in vitro diagnostic reagent for determining suitable donors for organ transplants and platelet transfusions. These serums contain antibodies directed against tissue antigens detectable on the surface of human peripheral leukocytes.

In recent years, dramatic life-saving organ transplants have been made with such organs as the kidney and heart. To prevent death caused by rejection of the transplanted organ, it is imperative that the donor organ be tested for histocompatibility with the recipient. Potent and well defined leukocyte typing serums may help assure such compatibility, thereby significantly increasing the chances of survival of the recipient.

These typing serums are also extremely important to those individuals who must receive repeated blood or platelet transfusions to sustain life. It is apparent that recurring transfusions produce white cell antibodies in the recipient and increase the probability of a fatal reaction after subsequent blood transfusions. The availability of specific, potent antiserums may be valuable in detecting white cell antigens, thereby preventing hyperimmunization of a recipient who depends on repeated transfusions to remain alive.

The critical uses for this diagnostic product are self-evident. However, since it has not yet been demonstrated to be a safe and effective typing serum for leukocyte antigens (Histocompatibility Loci Antigens), the significant potential for its abuse is equally apparent. In view of the indispensable necessity that these reagents meet rigid requirements for potency and specificity, the Commissioner concludes that the public health requires that such products be marketed only under the strict regulatory controls of section 505 of the Federal Food, Drug, and Cosmetic Act and section 351 of the Public Health Service Act. Pursuant to 21 CFR 130.3(g), current investigation of these products requires a "Notice of Claimed Investigational Exemption for a New Drug" to be submitted to the Bureau

of Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852. Such products may not lawfully be marketed until they are licensed pursuant to section 351 of the Public Health Service Act and conform to the additional standards published herein. A license application from a manufacturer must be submitted to the Bureau of Biologics, Food and Drug Administration, and approved by the agency. Such licenses will not be issued until sufficient information is submitted, as required by section 505 of the Federal Food, Drug, and Cosmetic Act, to insure that the product does in fact perform effectively as an in vitro detector of leukocyte antigens.

The comments received concerning the proposed additional standards for licensed Leukocyte Typing Serum are discussed below on a section-by-section basis.

DATING PERIOD

1. All comments, except one, were in agreement with the proposed two-year dating period with one additional year in controlled storage by the manufacturer (§ 273.870). The parenthetical expression used in the proposal to indicate the period of controlled storage has been deleted from the final order since provision for such storage is provided in § 273.850. To prevent any misinterpretation of the form of the product, the Commissioner has specified in the final order that the dating period applies only to the dried product.

2. One comment stated that the proposed limitation of a two-year dating period did not accurately reflect the experience of many investigators who have found that this product remains stable for a longer period of time. While this may be true, the stability and other behavioral characteristics of diagnostic reagents prepared in small quantities for use by a small number of research-directed investigators may not accurately reflect the behavior of such reagents when they are commercially produced in larger quantities for use by a large number of people with varying skills and experience. Therefore, the Commissioner believes that a two-year dating period is required. If and when sufficient evidence is amassed to indicate a longer dating period is justified under current manufacturing procedures and normal conditions of use, the dating period may be extended.

3. One comment suggested that manufacturers should not be prohibited from storing raw unprocessed serum at −55° C. for an indefinite period of time. The regulations are not intended to govern the storage of such raw materials and therefore this comment is inapplicable. In this regard, it may be noted that the Commissioner has concluded that appropriate manufacturing procedures and full testing for potency and specificity after the completion of all manufacturing steps will assure a safe and effective final product.

POTENCY TESTS

TEST ACCORDING TO MANUFACTURER'S DIRECTIONS

1. One comment stated that the proposed testing standards (§ 273.5101(a)) appeared to preclude antiserums for use by an agglutination test, and suggested adding a phrase to specify that the potency test standards apply to cytotoxic serums. The standards were not written for agglutinating serums. When an application for such an antiserum is received and it is determined that the product is adequate and effective for its intended use, the standards will be amended to include that product. However, in order to clarify this point, the Commissioner has added a phrase to paragraph (a) of this section to specify that the product contemplated by these regulations is intended for cytotoxic testing.

2. Other comments stated that the newly designated "W" types could not produce an 80 percent or greater cell death with 85 percent of the positively reacting samples as required by the proposal. These comments are inapplicable since these regulations do not govern "W" types. At the present time, the "W" types are not sufficiently defined to permit licensing. If reliable and well defined "W" types are developed and cannot meet the current standards, the Commissioner will consider appropriate amendments to these regulations.

3. The Ad Hoc Committee suggested that the regulations require a 60 percent or greater cell death with the remaining 15 percent of the positively reacting cell samples rather than 40 percent as proposed. It was the reasoning of the Committee that the antiserum should be a strongly reacting, operationally specific antiserum designed for routine use in hospital laboratories, not for use by experts in research laboratories. The Commissioner concurs and has accepted the recommendation of the Committee and the regulation has been changed accordingly.

4. Several comments requested clarification of the meaning of the phrase "a panel of cells approved by the Director, Bureau of Biologics", i.e., composition, ethnic distribution and discrepancy rate, and others inquired if the Bureau was planning to supply a panel of cells. It is not feasible for the Bureau to supply a cell panel. For the purposes of the potency tests required by the regulations, each manufacturer shall use its own panel of cells which has been approved by the Director, Bureau of Biologics, Food and Drug Administration. The Commissioner has reworded the regulations to clarify the manufacturer's duty to provide its own cell panel.

For each manufacturer's cell panel, the following number of cells and ethnic distribution will be required. The panel shall consist of 150 cells. The cells shall be distributed as follows: 50 Caucasian, 50 Black, 50 divided among Oriental, Spanish American, and American Indian. The permissible discrepancy rate of a manufacturer's panel shall be that three percent of the total number of negative cells may give a false positive result, and three percent of the total number of positive cells may give a false negative result.

The Commissioner anticipates that when more experience is gained, the number and composition of the panel may be changed. Therefore, the final order does not include specific cell panel requirements but rather provides that this information may be obtained from the Director, Bureau of Biologics, Food and Drug Administration.

TEST WITH DILUTED SERUM

1. Two firms commented that it was not necessary that the diluted antiserum maintain its reactivity throughout the dating period (§ 273.5101(b)). The Commissioner agrees and the requirement that the antiserum shall maintain its reactivity throughout the dating period has been removed from paragraph (b) of this section (test with diluted serum) and added to paragraph (a) since the measure of continuing reactivity of the product need only be with a normal, undiluted sample.

2. Several comments suggested that the test performed on the diluted serum should be by all methods recommended in the manufacturer's package enclosure rather than by a procedure found acceptable by the Director, Bureau of Biologics, as proposed. Since the Director reviews and approves all manufacturers' package enclosures as part of the licensure procedure, the distinction noted by the comments is more apparent than real. In this context, the Commissioner has no objection to the proposed rewording and the final order has been changed accordingly.

3. One firm asserted that the proposed requirement of a 40 percent or greater cell death with the diluted antiserum is too high and should be lowered. To the contrary, the Ad Hoc Committee recommended, in order to insure that the product is sufficiently potent to retain its reactivity throughout the dating period, that a strong positive reaction, 80 percent or greater cell death, should be produced in the test with the diluted antiserum. The Commissioner concurs with the views of the Committee and the regulation has been changed to require an 80 percent or greater cell death reaction.

SPECIFICITY TEST

Two comments observed that an evaluation of specificity (§ 273.5102) must take into account the discrepancies that often occur with all antiserums when tested against a well defined panel of cells and urged that an acceptable number of permitted discrepancies based upon the total number of cells in the panel be established. The Commissioner agrees and has set permissible discrepancies in an acceptable cell panel in his discussion of § 273.5101(a). However, since the composition or other requirements of the cell panel may change as experience in this area accumulates, the

Commissioner has concluded that permissible discrepancies need not be promulgated in the regulations but will be available upon request by a manufacturer, as now provided in § 273.5101(a).

PROCESSING

In the proposal, § 273.5103 was entitled "General Requirements". The title has been changed to "Processing". In addition, requirements concerning labeling and samples, protocols, official release have been removed as subsections of § 273.5103 and now constitute new §§ 273.5104 and 273.5105, respectively. These are procedural changes and do not alter the substance to these sections.

COLOR CODING

1. One comment expressed the view that, as proposed, paragraph (c) of § 273.5103 could be interpreted to mean that a vital stain could not be included in the testing kit. It was not the intention of the proposal that a dye used to distinguish the dead cells from the living cells in the performance of the test be prohibited from the testing kit. The prohibition of color coding was intended to apply only to the addition of dyes to the antiserum itself to differentiate various leukocyte antibodies, not to a dye packaged in the kit to enable the user to read the test. To eliminate any possible confusion, the paragraph has been clarified and states specifically that a separate vital stain may be included in the testing kit.

LABELING

1. The Ad Hoc Committee recommended that several items be added to the package enclosure that provides instructions for use (§ 273.5104(d)). The Commissioner agrees with this recommendation and therefore subparagraph (2) has been expanded to include a description of a suitable complement source and three caution statements have been added as subparagraphs (4), (5), and (6).

2. One comment stated that the proposed storage temperature of −65° C. (§ 273.5104(e)(3)) for the reconstituted product was unnecessarily low and that many laboratories could not maintain such temperature. The Ad Hoc Committee recommend that the storage temperature be −65° C. in order to assure the continued integrity of the product. The Commissioner concurs with the Committee and has rejected the suggestion to raise the storage temperature of the reconstituted product.

3. One comment proposed the addition of a statement in the package enclosure instructing the user to record the expiration date, the reconstitution date, and the identity of the minute aliquots of serum stored in typing trays, since it is impossible to label the material in such typing trays. The Commissioner has accepted this proposal and the regulation has been changed to require that this information be recorded (§ 273.5104(e)(5)).

SAMPLES, PROTOCOLS, OFFICIAL RELEASE

1. Five comments expressed the view that the proposed volume of release sample to be submitted to the Bureau of Biologics, Food and Drug Administration, namely, 10 milliliters, was too large. The purpose for requesting this volume of sample was to provide the Bureau of Biologics with enough material for moisture determinations and retests if necessary. However, the Commissioner has concluded that for the purpose of moisture determination, dummy samples may be submitted to conserve the product. The regulations now provide that dummy samples of material with the same protein concentration as the product, filled in the same size vials, with the same volume, may be used (§ 273.5105(b)). The dummy samples shall be placed in various locations throughout the drying oven.

2. Several methods of submitting the release samples were proposed. These included suggestions that material to perform from 100 to 250 tests, or 2 milliliters of product, or 5 vials of product would be sufficient. All of these suggestions would provide enough volume of material required. However, for the purposes of control testing by the Bureau of Biologics, Food and Drug Administration, it is necessary to receive the material in several separate vials in final distribution packaging. Therefore, the Commissioner has determined that four final containers of product plus enough dummy samples to supply 300 milligrams will be adequate for testing purposes, and the regulation has been changed accordingly (§ 273.5105(b)).

3. One comment raised the question as to whether or not an extension of the dating period would be permitted after a lot of material had expired if the manufacturer were to submit data that the product met the potency requirements of § 273.5101. The Commissioner has no objection to such an extension, which has been shown to be a valid procedure with other kinds of serum, provided however that all tests required of the initial lot are performed on the extended lot and all required protocols and samples are submitted to the Bureau of Biologics, Food and Drug Administration. In this regard, the Commissioner has become aware of some confusion concerning the definition of the term "lot" for the purpose of extending the dating period. Therefore, § 273.5105(a) of the final order includes a specific definition of this term as well as criteria for extending the dating period. To insure the stability of the product throughout the dating period, the Commissioner has defined a lot in terms of the final container material rather than the bulk material as is the more common measure.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 501, 502, 505, 508, 510, 701, 52 Stat. 1041, as amended, 1049–52, as amended, 1055, as amended, and 76 Stat. 789 and 794, as amended; 21 U.S.C. 321, 351, 352, 355, 358, 360, 371), and the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262), and under authority delegated to the Commissioner (21 CFR 2.120), Part 273 is amended as follows:

§ 273.730 [Amended]

1. In paragraph (g)(4) of § 273.730 by adding the words "Leukocyte Typing Serum" immediately following the words "Cryoprecipitated Antihemophilic Factor (Human)".

§ 273.870 [Amended]

2. In the listing in § 273.870 by alphabetically inserting the following products immediately following the listing for "Influenza Virus Vaccine".

Leukocyte Typing Serum (Dried)	Two years
Anti-HL-A 1	Two years
Anti-HL-A 2	Two years
Anti-HL-A 3	Two years
Anti-HL-A 5	Two years
Anti-HL-A 7	Two years
Anti-HL-A 8	Two years
Anti-HL-A 9	Two years
Anti-HL-A 10	Two years
Anti-HL-A 11	Two years
Anti-HL-A 12	Two years
Anti-HL-A 13	Two years

3. In Subpart F, by adding a new center heading and a new group of sections to read as follows:

LEUKOCYTE TYPING SERUM

§ 273.5100 The product.

(a) *Proper name and definition.* The proper name of this product shall be Leukocyte Typing Serum which shall consist of a preparation of serum containing an antibody or antibodies for identification of leukocyte antigens.

(b) *Source.* The source of this product shall be plasma or blood obtained aseptically from animals which have met the applicable requirements of § 273.501, or from human donors.

§ 273.5101 Potency tests.

(a) *Test according to manufacturer's directions.* Each lot of the product intended for cytotoxicity testing shall produce an 80 percent or greater cell death with at least 85 percent of the positively reacting cell samples, and a 60 percent or greater cell death with the remaining 15 percent of the positvely reacting cell samples when tested by all methods recommended in the manufacturer's package enclosure against the manufacturer's panel of cells which shall have been approved by the Director, Bureau of Biologics, Food and Drug Administration. The antiserum shall maintain such level of reactivity throughout the dating period. The approved composition of the cell panel may be obtained from the Director, Bureau of Biologics, Food and Drug Administration, BI–1, 5600 Fishers Lane, Rockville, Md. 20852.

(b) *Test with diluted serum.* Each lot of the product, at a dilution of at least 1:2, shall produce a strong positive reaction of 80 percent or greater cell death for cytotoxic typing serums when tested

with appropriate leukocytes by all methods recommended in the manufacturer's package enclosure.

(c) *Last valid potency test.* For purposes of determining the date of manufacture, the date of the last valid potency test shall be the date of initiation by the manufacturer of the test in paragraph (b) of this section.

§ 273.5102 Specificity test.

Each lot of the product shall be specific for the antibody or antibodies indicated on the label when tested by all methods recommended in the manufacturer's package enclosure.

§ 273.5103 Processing.

(a) *Method.* The processing method shall be one that has been shown to consistently yield a specific and potent final product free of properties which would adversely affect the product for its intended use.

(b) *Ancillary reagents and materials.* Ancillary reagents and materials accompanying the product, which are used in the performance of the test as described by the manufacturer's recommended test procedures, shall have been shown not to adversely affect the product within the prescribed dating period.

(c) *Color coding.* Color coding of labels, containers, or droppers supplied with the product shall not be used. The addition of coloring agents or dyes to the product or ancillary reagents to differentiate leukocyte antibodies is not permitted. A container of a vital stain for purposes of facilitating the reading of the test may be included in the testing kit.

(d) *Final containers.* Final containers shall be colorless, transparent, and shall have been sterilized and filled by aseptic procedures.

§ 273.5104 Labeling.

In addition to the applicable requirements of §§ 273.600, 273.601, and 273.602, the following information shall be included in the labeling:

(a) The source of the product, if other than human, immediately following the proper name on both the final container and package label;

(b) The name of the specific antibody or antibodies present in the product immediately following the source when specified, or the proper name when the source is not specified. The antibody designation shall be of no less prominence than the proper name on all labeling;

(c) The name of the test method or methods recommended for the product on the package label and on the final container label when capable of bearing a full label;

(d) A package enclosure providing adequate instructions for use including:

(1) A description of all recommended test methods;

(2) A description of all supplementary reagents including a description of a suitable complement source;

(3) Necessary precautions, including a warning, against exposure to carbon dioxide;

(4) A caution to use more than one antiserum for each specificity;

(5) A caution not to dilute the antiserum;

(6) A caution that cross-reacting antigens exists.

(e) The package enclosure shall contain adequate directions for reconstitution which shall include the following instructions:

(1) Do not reconstitute with more than the recommended volume of diluent;

(2) Place the reconstituted material in small aliquots so that the product will undergo no more than two freeze-thaw cycles;

(3) Store all unused aliquots at −65° C. or colder within 8 hours of reconstitution;

(4) A statement that the frozen aliquots must be used within one year of reconstitution or prior to the expiration date appearing on the label of the product, whichever is earlier;

(5) A statement instructing the user to record the expiration date and the reconstitution date of the serum on the label of each multi-use aliquot stored in a small test tube, and to maintain similar information for the material stored in typing trays.

§ 273.5105 Samples, protocols, official release.

(a) *Definition of a lot.* For release purposes, a lot is defined as uniform final container material identified by the manufacturer as having been thoroughly mixed in a single vessel and which has been dried in a single run. A lot may be retested upon expiration and assigned a new lot number provided all tests required of the initial lot are performed and a protocol of such tests and samples are submitted to the Bureau of Biologics, Food and Drug Administration, for release purposes. The protocol shall include identification of the lot number under which it was previously released and the date of release.

(b) *Sample size.* For each lot of product, four final containers packaged as for distribution shall be sent to the Director, Bureau of Biologics, Food and Drug Administration, Bldg. 29-A, 9000 Rockville Pike, Bethesda, Md. 20014, for testing and release by the Bureau. In addition, 300 milligrams shall be submitted for a test to determine moisture content. Samples for moisture testing may be either (1) Final container material of the product, or (2) Dummy samples of material with the same protein concentration as the product, filled in the same size vials, with the same volume as the product. Such dummy samples shall be appropriately labeled and placed in random locations throughout the drying oven.

(c) *Protocols and release.* A protocol which consists of a summary of the history of manufacture of each lot, including all results of all tests required by regulations, shall be submitted for each lot of product to be released. The product shall not be issued by the manufacturer until notification of official release of the lot is received from the Director, Bureau of Biologics, Food and Drug Administration.

Effective date.—This order shall be effective October 2, 1973.

(Secs. 201, 501, 502, 505, 506, 510, 701, 52 Stat. 1041, as amended, 1049–1052 as amended, 1055 as amended and 76 Stat. 789 and 794, as amended (21 U.S.C. 321, 351, 352, 355, 358, 360, 371, and sec. 351) 58 Stat. 702, as amended (42 U.S.C. 262).)

Dated September 25, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-20913 Filed 10-1-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 541-73]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart Z—Assigning Responsibility Concerning Applications for Orders Compelling Testimony or Production of Evidence by Witnesses

APPLICATIONS FOR IMMUNITY ORDERS

This order amends the Department's regulations concerning the approval of applications of orders compelling testimony or production of evidence by witnesses.

By virtue of the authority vested in me by sections 509 and 510 of Title 28, section 301 of Title 5, and sections 2514 and 6003 of Title 18, United States Code, and section 501 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 871), Subpart Z of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. Paragraph (b) of § 0.175 is amended by deleting the words, *"Provided, however,"* and all that follows in that paragraph, and inserting in lieu thereof:

"Provided, however, that no approval shall be granted unless the Criminal Division indicates that it has no objection to the proposed grant of immunity."

2. Paragraph (c) of § 0.175 is amended by deleting the words, *"Provided, however,"* and all that follows in that paragraph, and inserting in lieu thereof:

"Provided, however, that no approval shall be granted unless the Criminal Division indicates that it has no objection to the proposed grant of immunity."

This order shall become effective October 1, 1973.

Dated September 23, 1973.

ELLIOTT RICHARDSON,
Attorney General.

[FR Doc.73-20826 Filed 10-1-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Subpart C—Extensions

On August 15, 1973 (38 FR 22025), the Administrator of the Environmental Protection Agency promulgated procedural rules governing the conduct of public hearings held pursuant to section 110(f)(2) of the Clean Air Act. Although the rules were promulgated with an immediately effective date, comments were invited with the understanding that, if deemed useful, those received within 30 days of publication would be incorporated into the rules by way of amendment. In response, several comments were submitted to the Agency. Almost all of these comments were, at least, in part, addressed to the question of who should be permitted to participate in a section 110(f) public hearing. Predictably, some persons submitting comments felt that the rules relating to "party" and "nonparty participant" status were too liberal, while others felt that more should be done to give the "average citizen" an opportunity to participate in section 110(f) public hearings.

As suggested by the preamble to the rules promulgated on August 15, 1973, the Agency is aware of the widespread citizen interest which, in all likelihood, will attach to any given section 110(f) public hearing. In addition, the Agency is also aware of the fact that many of the factual showings required under sections 110(f)(1)(A)–(D) will touch upon matters that are uniquely within the knowledge of individual citizens and citizen groups. Given these considerations, it is the intention of the Agency that all section 110(f) public hearings be run in such a manner as to provide the average citizen with an opportunity to add to the record in whatever manner best suits his or her convenience. To this end, it is believed that the provisions of paragraph (c)(6) (providing for "nonparty participant" status) should not be made more restrictive and that any citizen who wishes to testify at a section 110(f) public hearing should be given an opportunity to do so.

Similarly, with respect to the question of who should be permitted to participate as a "party" in a section 110(f) public hearing, it is the position of the Agency that, where a citizen (or a business concern or a public interest group) is in possession of facts which bear upon the subject matter of a given section 110(f) public hearing and which he believes can most effectively be presented through the medium of an adversary-type proceeding, such citizen should not be denied the opportunity of participating in such a hearing as a party.

Admittedly, there may be instances in other sections of the Clean Air Act or in other statutes where the subject matter of a formal adjudicatory hearing is so complex and technical that good administrative practice will require that there be some threshold showing on the part of an applicant before he is given party status. However, where, as is here the case, the factual questions to be considered (e.g., prior good faith efforts on the part of the source) are such that public participation will add measurably to the development of the record, the Agency is of the view that threshold restraints to party status are warranted by neither the public interest nor by administrative convenience.

Finally, in light of the unambiguous requirement of section 110(f)(2)(A) that all "interested persons" are to receive notice of a section 110(f) public hearing, the Agency is of the opinion that no person who has an "interest" in a postponement being sought under section 110(f) should be denied an opportunity to participate as a party in a resultant public hearing. Accordingly, it has been determined that, apart from the administrative changes hereinafter noted, paragraph (c) of the rules which predicates "party" status solely on the filing of a statement of "interest" should not be changed.

The changes which have been made to the rules are administrative in nature. In all instances, they reflect recommendations made by persons within the Agency.

Subparagraph (a)(2) has been amended to reflect the fact that, until such time as the Agency ascertains the number of administrative law judges needed to preside over section 110(f) public hearings, the most economic and expeditious way of making them available may be to "borrow" them from other agencies—an approach which is specifically permitted by section 3344 of the Administrative Procedure Act. The second change to paragraph (a)(2) merely indicates that unless there is a directive to the contrary, the action of the Administrator in assigning an administrative law judge to a given case, shall be regarded as a full and complete delegation of authority to render an initial decision.

Subparagraph (a)(6) has been amended to provide that the source (or sources) on whose behalf a section 110(f) postponement has been requested will automatically be made a "party" to any resultant section 110(f) public hearing.

A new subparagraph has been added to paragraph (b) to require that notice of a section 110(f) public hearing be mailed to the state air pollution control authority having jurisdiction over the source with respect to which the section 110(f) postponement is being requested.

Subparagraph (c)(1) has been modified to clarify the fact that the 30-day period within which an interested person may request to be made a party is tied to the date of the FEDERAL REGISTER notice rather than the date of any local notice which may be required by the rules. Subparagraph (c)(4) has been amended to provide the administrative law judge (ALJ) 5 additional days to review requests to be made a party. Once the ALJ has reviewed a request to be made a party and has found it to be satisfactory, a second change to paragraph (c)(4) authorizes the ALJ to delegate the notification function to the regional hearing clerk.

Subparagraph (c)(5) has been amplified to emphasize the fact that requests to be made a party to a section 110(f) public hearing will be treated as a matter of public record and that the contents of all such requests will be available for inspection at the office of the regional hearing clerk.

Subparagraph (d)(2) has been modified to require that five, rather than two, copies of all papers—along with the original—should be filed with the regional hearing clerk.

Subparagraph (u)(2) has been modified to allow the ALJ 45 days after the close of the hearing to prepare and file his initial decision with the regional hearing clerk.

Because no substantive rights will be affected by the changed language in the rules, the Agency finds that good cause exists for not publishing this amendment as a notice of proposed rulemaking and for making it effective upon publication.

Notice of the West Virginia section 110(f) public hearing—the first public hearing to be held under section 110(f)—is being published elsewhere in this FEDERAL REGISTER. Accordingly, since persons reading today's FEDERAL REGISTER will have an opportunity to familiarize themselves with the section 110(f) rule changes which follow at the same time that they receive notice of the upcoming West Virginia public hearing, the Agency is of view that the procedural rules governing the West Virginia hearing should reflect today's changes. This has been noted in the notice of the West Virginia hearing and should be viewed as superseding the statement in the preamble to the Agency's August 15, 1973 promulgation to the effect that the West Virginia public hearing would not be subject to any amendments adopted at a later point in time.

AUTHORITY.—Secs. 110(f) and 301 of the Clean Air Act; 42 U.S.C. 1857c-5 and 1857g(a).

Dated September 25, 1973.

JOHN QUARLES,
Acting Administrator.

Part 51 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

In 51.33, paragraph (a)(2) and (6), (b)(2)(iv), (c)(1), (4) and (5), (d)(2), and (u)(2) are revised to read as follows:

§ 51.33 Hearings and appeals relating to request for one year postponement.

(a) * * *

(2) The term "Administrative Law Judge" means an administrative law

judge whose services have been retained by the Environmental Protection Agency pursuant to sections 556(b)(3) and 3105 or 3344 of the Administrative Procedure Act for the duties and functions hereinafter set forth. The Administrator may delegate all or part of his authority to act in a given case under this section to an Administrative Law Judge. There may be included within such delegation authority to issue subpoenas, authority to make findings of fact and conclusions of law with respect to a given case and authority to recommend a decision (hereinafter referred to as the "initial decision"). Unless otherwise limited by the Administrator, the action of the Administrator or his delegate in assigning an administrative law judge to a given case shall be regarded as a full and complete delegation of authority to render an initial decision. A delegation of authority to render an initial decision shall not preclude the Administrative Law Judge from referring any motion or case to the Administrator when the Administrative Law Judge determines such referral to be appropriate.

* * * * *

(6) The term "party" means the Agency, the source (or sources) on whose behalf the section 110(b) postponement has been requested and any person (as that term is defined below) who, pursuant to paragraph (c) of this section, has filed a request to participate as a party in a public hearing required by section 110(f)(2) of the Act and has had such request approved.

* * * * *

(b) * * *

(2) * * *

(iv) Notice shall be mailed to the air pollution control board or agency of the state in which the source is located provided that, if an air pollution control authority does not exist on the state level, notice shall be sent to that local air pollution control board or agency to whose authority the source is subject.

* * * * *

(c) *Parties.* (1) Within 30 days following the issuance of public notice in the FEDERAL REGISTER of a requested postponement under § 110(f) of the Act, any person may request to be made a party to the hearing.

* * * * *

(4) All requests to be made a party will be reviewed by the Administrative Law Judge within 15 days of receipt. Where the requirements of subparagraph (3) have been met, the Administrative Law Judge shall notify, or shall direct the regional hearing clerk to notify, the requester that his request to be made a party has been approved. If, however, the Administrative Law Judge determines that the requirements of subparagraph (3) have not been satisfied, he shall, by appropriate notice, advise the requester as to which of the requirements under subparagraph (c) have not been met and that his request to be made a party can not be approved until such requirements are fully met. Such notice shall afford the requester a reasonable period of time (not to exceed 14 days) in which to file an amended request.

(5) Any documents or papers relating to the procedures described in subparagraph (3) shall be made a part of the record and shall be available for inspection at the office of the regional hearing clerk.

* * * * *

(d) * * *

(2) In addition to copies served on all other parties, each party shall file with the regional hearing clerk an original and five copies of all papers filed in connection with the hearing.

* * * * *

(u) * * *

(2) The Administrative Law Judge, within 45 days after the close of the hearing, shall evaluate the record before him, and prepare and file his initial decision with the regional hearing clerk. A copy of the initial decision shall be served upon each of the parties, and the regional hearing clerk shall immediately transmit a copy to the Administrator. The initial decision shall become the decision of the Administrator without further proceedings unless an appeal is taken from it or the Administrator orders review of it pursuant to paragraph (v).

[FR Doc.73-20940 Filed 10-1-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ATOMIC ENERGY COMMISSION

CONTRACTS, PROCUREMENT FORMS, REVIEW REQUIREMENTS

Miscellaneous Amendments

These changes are being made in order to bring the AEC Procurement Regulations into proper alignment with the Federal Procurement Regulation citations.

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.50—Use of Standard Clauses

1. In Subpart 9-7.50, Contract Outlines, § 9-7.5004-3, *Disputes,* paragraph (a) is revised to read as follows:

§ 9-7.5004-3 Disputes.

(a) See FPR 1-7.102-12.

* * * * *

2. In Subpart 9-7.50, Contract Outlines, § 9-7.5004-5, *Officials not to benefit,* is revised as follows:

§ 9-7.5004-5 Officials not to benefit.

See FPR 1-7.102-17.

3. In Subpart 9-7.50, Contract Outlines, § 9-7.5004-10, *Examination of records,* the first paragraph is revised to read as follows:

§ 9-7.5004-10 Examination of records.

See FPR 1-7.103-3. See Notes A and B below for required addition and modification of the clause set forth in FPR 1-7.103-3.

* * * * *

4. In Subpart 9-7.50, Contract Outlines, § 9-7.5005-1, *Additional bond security,* is revised to read as follows:

§ 9-7.5005-1 Additional bond security.

See FPR 1-7.103-2.

5. In Subpart 9-7.50, Contract Outlines, § 9-7.5005-2, *Changes (fixed-price supply contracts),* is revised as follows:

§ 9-7.5005-2 Changes (fixed-price supply contracts).

See FPR 1-7.102-2.

6. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5005-4, *Definitions,* the first paragraph is revised to read as follows:

§ 9-7.5005-4 Definitions.

See FPR 1-7.102-1. In addition, use the following where appropriate.

* * * * *

7. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5005-5, *Extras,* is revised to read as follows:

§ 9-7.5005-5 Extras.

See FPR 1-7.102-3.

8. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5005-6, *Inspection (fixed-price supply),* is revised to read as follows:

§ 9-7.5005-6 Inspection (fixed-price supply).

See FPR 1-7.102-5.

9. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5005-7, *Payments,* is revised to read as follows:

§ 9-7.5005-7 Payments.

See FPR 1-7.102-7.

10. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5005-8, *Variation in quantity,* is revised to read as follows:

§ 9-7.5005-8 Variation in quantity.

See FPR 1-7.102-4.

11. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5005-13, *Responsibility for supplies,* is revised to read as follows:

§ 9-7.5005-13 Responsibility for supplies.

See FPR 1-7.102-6.

12. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5005-24, *Pricing of adjustments,* is revised to read as follows:

§ 9-7.5005-24 Pricing of adjustments.

See FPR 1-7.102-20.

13. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5006-56, *Statement of work (cost-type contracts),* paragraph (c) is revised to read as follows:

§ 9-7.5006-56 Statement of work (cost-type contracts).

* * * * *

(c) In operating-type contracts when the contractor is expected to perform no Davis-Bacon work with his own forces, the special clause in § 9-18.703-50 shall be included in this clause.

PART 9–16—PROCUREMENT FORMS

Subpart 9–16.50—Contract Outlines

14. In Subpart 9–16.50, Contract Outlines, § 9–16.5002–2, *Outline of a cost-plus-a-fixed-fee supply contract (performed by commercial concerns in contractor's facilities)*, paragraphs (23), (30), (31), and (33), are revised to read as follows:

§ 9–16.5002–2 Outline of a cost-plus-a-fixed-fee supply contract (performed by commercial concerns in contractor's facilities).

* * * * *

"(23) Disputes—FPR 1–7.102–12, modified by substituting 'Commission' for 'Secretary.' (See § 9–7.5004–3.)"

* * * * *

"(30) Officials not to benefit—FPR 1–7.102–17."

"(31) Equal opportunity—FPR 1–7.102–16."

* * * * *

"(33) Assignment—FPR 1–7.102–8 or § 9–7.5006–46 as appropriate."

* * * * *

15. In Subpart 9–16.50, Contract Outlines, § 9–16.5002–4, *Outline of a cost-plus-a-fixed-fee construction contract*, Article XXII, Labor, paragraph (h) is revised to read as follows:

§ 9–16.5002–4 Outline of a cost-plus-a-fixed-fee construction contract.

* * * * *

"Article XXII—Labor."

* * * * *

"(h) *Equal opportunity.* Insert contract clause set forth in FPR 1–7.102–16."

* * * * *

16. In Subpart 9–16.50, Contract Outlines, § 9–16.5002–8, *Outline of special research support agreement with educational institutions*, Appendix B, Article B–XV—Disputes, and in Subpart 9–16.50, Contract Outlines, § 9–16.5002–8, *Outline of special research support agreement with educational institutions*, Appendix B, Article B–XVI—Officials not to Benefit, is revised to read as follows:

§ 9–16.5002–8 Outline of special research support agreement with educational institutions.

* * * * *

APPENDIX B

* * * * *

ARTICLE B–XV—DISPUTES

Insert FPR 1–7.102–12, modified by substituting "Commission" for "Secretary." (See § 9–7.5004–3.)

* * * * *

§ 9–16.5002–8 Outline of special research support agreement with educational institutions.

* * * * *

APPENDIX B

* * * * *

ARTICLE B–XVI—OFFICIALS NOT TO BENEFIT

Insert FPR 1–7.102–17.

* * * * *

18. In Subpart 9–16.50, Contract Outlines, § 9–16.5002–8, *Outline of special research support agreement with educational institutions*, Appendix B, Article B–XIX—Buy American Act, is revised to read as follows:

* * * * *

APPENDIX B

* * * * *

ARTICLE XIX—BUY AMERICAN ACT

Insert FPR 1–7.102–14, modified in accordance with § 9–7.5004–16.

* * * * *

19. In Subpart 9–16.50, Contract Outlines, § 9–16.5002–9, *Outline of cost-type contract for research and development with educational institutions*, Appendix B, Article B–14—Disputes, Article B–15—Equal Opportunity, and Article B–16—Officials not to Benefit, are revised to read as follows:

§ 9–16.5002–9 Outline of cost-type contract for research and development with educational institutions.

* * * * *

APPENDIX B

* * * * *

ARTICLE B–14—DISPUTES

Insert FPR 1–7.102–12, modified by substituting "Commission" for "Secretary."

(See § 9–7.5004–3.)

ARTICLE B–15—EQUAL OPPORTUNITY

Insert FPR 1–7.102–16.

ARTICLE B–16—OFFICIAL NOT TO BENEFIT

Insert FPR 1–7.102–17.

* * * * *

20. In Subpart 9–16.50, Contract Outlines, § 9–16.5002–9, *Outline of cost-type contract for research and development with educational institutions*, Appendix B, Article B–21—Buy American Act, is revised to read as follows:

* * * * *

APPENDIX B

* * * * *

ARTICLE B–21—BUY AMERICAN ACT

Insert FPR 1–7.102–14, modified in accordance with § 9–7.5004–16.

* * * * *

PART 9–51—REVIEW AND APPROVAL OF CONTRACT ACTIONS

Subpart 9–51.4—Contract and Subcontract Review Requirements

21. In Subpart 9–51.4, Contract and Subcontract Review Requirements, § 9–51.403–1, *Contract Review Boards*, paragraph (b) is revised to read as follows:

Subpart 9–51.4 Contract and Subcontract Review Requirements.

* * * * *

§ 9–51.403–1 Contract Review Boards.

* * * * *

(b) *Purpose of review.* In negotiated procurements, the primary function of contract review is to provide an independent review and analysis of contract and subcontract actions for the purpose of determining whether the negotiations (1) were competently conducted, (2) were based on adequate information, (3) were in conformance with established policies and procedures, and (4) resulted in a contract or subcontract (i) with a responsible contractor and (ii) that adequately protects the interests of the Government, including the reasonableness of the fixed fee or profit (if any) in cost-type procurements, the reasonableness of price in fixed-price-type contracts or subcontracts including the reasonableness of intermediate or final repricing due to price redetermination, escalation, etc., with comparison of the proposed price with the independent Government cost estimate, if applicable. With respect to awards resulting from formal advertising, review will include such matters as determining the responsibility of the contractor (§ 9–1.12), the reasonableness of the price of the proposed award, including comparison with the independent Government cost estimate, if applicable, the adequacy of competition, the advisability of rejecting all bids and readvertising or negotiating, and, in the case of a proposed award to other than the low bidder, whether such action is in the best interest of the Government.

* * * * *

AUTHORITY: Section 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, (42 U.S.C. 2201); sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390 (40 U.S.C. 486)

Effective Date: These amendments are effective October 2, 1973.

Dated at Germantown, Maryland, this 24th day of September 1973.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[FR Doc.73–20839 Filed 10–1–73;8:45 am]

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14–7—CONTRACT CLAUSES

Nebraska Sales and Use Tax

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Part 14–7 of Title 41 of the Code of Federal Regulations is hereby amended. Due to changes in the State of Nebraska sales and use tax laws, the provisions of Interior Procurement Regulations section 14–7.602–50(6)(c) are no longer applicable.

It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rulemaking policy. However, the amendments herein are minor and involve administrative procedures. Therefore, the public rulemaking process is waived in this instance.

§ 14–7.602–50(6)(c) [Reserved]

Section 14–7.602–50(6)(c) of Subpart 14–7.6 of the Interior Procurement Regulations is amended by deleting the caption and the text of the paragraph and to provide that the paragraph is reserved.

This amendment is effective on October 1, 1973.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

SEPTEMBER 25, 1973.

[FR Doc.73-20827 Filed 10-1-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vermont

The following special regulation is issued and is effective during the period September 29, 1973 through December 31, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of upland game on the Missisquoi National Wildlife Refuge, Vermont, is permitted only on the areas delineated on maps available at refuge headquarters, RD 2, Swanton, Vermont 05488, or from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

GEORGE C. BALZER, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 24, 1973.

[FR Doc.73-20905 Filed 10-1-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Incidental Manufacturing and Service Activities Conducted by Retailers and Wholesalers

The purpose of this amendment to § 150.305(d) of the Cost of Living Council's Phase IV price regulations is to allow retailers and wholesalers to treat as part of their retail or wholesale activities under Subpart K any manufacturing or service activity which is an integral part of their retailing or wholesaling activities so long as their total integrated manufacturing and service activities produce less than 15 percent of the annual revenues of the firm or pricing entity concerned.

This amendment makes four changes in the existing rule. *First,* it incorporates the requirement, as included in the proposed Phase IV regulations (38 FR 19480) but omitted from the final regulations (38 FR 21612), that to be eligible for Subpart K treatment the manufacturing or service activity be integrated into the retailing or wholesaling activities. *Second,* the prohibition against Subpart K treatment of a firm's manufacturing or service activities unless they produce less than $50 million in annual revenues is being eliminated. *Third,* the 10% criteria is being increased to 15%. *Fourth,* firms are being given the option of calculating their total manufacturing and service activities on either a firm-wide or individual pricing entity basis to determine whether they qualify under the 15% test.

Adoption of this amendment is expected to eliminate prenotification requirements for numerous small volume service functions, particularly in the retail trade, by allowing more of those functions to be regulated under Subpart K of Part 150.

Accordingly, effective September 17, 1973, § 150.305(d) of Title 6, Code of Federal Regulations is amended to read as follows:

§ 150.305 Establishment of categories.

* * * * *

(d) A firm which is subject to this subpart and which also engages in manufacturing or service activities, or both, is subject to the requirements of Subpart E of this part with respect to its manufacturing and service activities. However, if the sales or revenues derived by the firm or the pricing entity concerned from manufacturing and service activities were less than 15 percent of the firm's or the pricing entity's total retailing or wholesaling revenues for the most recently completed fiscal year, the firm or the pricing entity may include in its merchandising pricing plan any manufacturing or service activities which are integrated into its retailing or wholesaling activities. When manufacturing or service activities are so included, customary initial percentage markups and gross margins shall be computed, in the case of manufacturing activities, on the basis of direct material costs and, in the case of service activities, on the basis of direct material and labor costs.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the decisions of the Council, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

Issued in Washington, D.C., on September 28, 1973.

JOHN T. DUNLOP,
Director, Cost of Living Council.

[FR Doc.73-21058 Filed 9-28-73;4:26 pm]

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Subpart Q (Stage B for Food)

The purpose of this amendment to Part 150 of the Cost of Living Council Regulations is to revise Subpart Q (Stage B for food) with respect to the period used for measuring base costs for food manufacturing activities and to make related changes in the method for computing base costs and current costs for food raw materials costs.

Subpart Q provides that the base period for determining permissible gross margin for food manufacturing activities is, when livestock and meat products are involved, any four consecutive fiscal quarters which began May 25, 1970, and which ended prior to May 11, 1973 or, for all other food manufacturing activities, any four consecutive fiscal quarters of the eight fiscal quarters ended prior to May 11, 1973.

Prior to this amendment, the base cost period for all costs was the fiscal quarter succeeding the gross margin base period. The gross margin rule for food manufacturing activities permits dollar-for-dollar pass through of cost increases incurred since the base cost period. Thus, cost increases incurred between the base period and the base cost period were lost for cost-justification purposes. In a period of rapidly rising farm product prices the fact that the base cost period is later than the base period can mean very substantial cost absorption for a firm with food manufacturing activities.

After examining data on food raw material cost increases for the various permissible combinations of base period and base cost period, the Council has determined that the degree of absorption of food raw material cost increases caused by the timing of the base cost period warrants a change in the regulations. Accordingly, § 150.607(b) is amended to provide that the base cost period for food raw material costs is the same as the base period for determining permissible gross margins. The base cost period for other than food raw material costs remains the fiscal quarter succeeding the base period for determining permissible gross margins.

The formula for determining permissible total revenues takes into account food raw material cost increases incurred during the gross margin base period which were reflected in higher prices. Therefore, to prevent double counting of food raw material cost increases § 150.607(b) is also amended to provide that food raw material costs must be computed on an average basis (output method), rather than on an input basis as would otherwise be allowed by the regulations. The provisions of the regulations which permit volume to be measured either on an input or output basis remain unchanged.

Firms with food manufacturing activities have maintained that their accounting systems do not permit compliance to be measured on a monthly basis. It was for this reason that the final Stage B food regulations provide for quarterly

as opposed to monthly compliance measurement. To conform the provisions governing current costs to the accounting systems of firms with food manufacturing activities, § 150.607(b) is also amended to provide that for quarterly measurement of compliance with the gross margin rule, the current cost period is the quarter for which compliance is being measured, rather than the last accounting month of that quarter.

The substantive provisions and reporting requirements of Subpart Q cover the accounting periods (accounting month; fiscal quarter; fiscal year) which include September 10, 1973. Depending upon when a firm's fiscal year ends, the initial report filed pursuant to Subpart Q might be a quarterly or annual report, rather than a monthly report. A subparagraph (5) is added to § 150.606(e) to make it clear that in cases where the initial report is other than a monthly report, that initial report must contain the information required in the initial monthly report.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the decisions of the Council, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489).

In consideration of the foregoing Part 150 of Title 6 of the Code of Federal Regulations is amended as follows, effective 11:59 p.m., e.s.t. September 9, 1973.

Issued in Washington, D.C., on September 28, 1973.

JOHN T. DUNLOP,
Director, Cost of Living Council.

§ 150.607 [Amended]

1. Section 150.607 is amended in paragraph (b) by redesignating subparagraphs (3), (4), and (5) as subparagraphs (5), (6), and (7), respectively, and by revising subparagraph (2) and adding new subparagraphs (3) and (4) as follows:

(a) *General Rule* * * *

(b) *Modifications to Subparts E, F, G and H for Firms Using § 150.606*

(1) * * *

(2) The base cost period with respect to food raw materials costs is the base period as defined in § 150.603 of this title. The base cost period with respect to costs other than food raw materials costs is the next succeeding fiscal quarter following the base period as defined in § 150.603 of this title in which costs were incurred with respect to the product line concerned. The base cost period with respect to a new product is the fiscal quarter in which the new product concerned was first sold in arms-length trading between unrelated persons.

(3) Base cost and current cost with respect to food raw material costs is the average cost incurred throughout the base cost period or the current cost period, as applicable, with respect to those costs as calculated in accordance with instructions which accompany forms issued pursuant to this Subpart (output method).

(4) The current cost period for monthly reporting purposes is the month for which a monthly report is required to be filed pursuant to this Subpart. The current cost period for quarterly reporting purposes is the fiscal quarter for which a quarterly report is required to be filed pursuant to this Subpart. The current cost period for price category III firms is the fiscal quarter for which compliance is being measured.

* * * * *

2. Section 150.607 is further amended in paragraph (e) by adding a new subparagraph (5) as follows:

(e) *Reporting and Recordkeeping* * * *

(5) *Initial report.*—In cases where the first report submitted pursuant to this subpart is a quarterly report or an annual report rather than a monthly report, the matter required to be submitted in an initial monthly report pursuant to subparagraph (1) of this paragraph (e) shall be included in the first quarterly or annual report, as the case may be, rather than the first monthly report.

[FR Doc.73-21057 Filed 9-28-73;4:26 pm]

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Adjustments to Retail Ceiling Price Rules for Sales of Gasoline, No. 2-D Diesel Fuel and No. 2 Heating Oil

The purpose of these amendments is to implement the Council's previously announced commitment to make upward adjustments in ceiling prices charged by retailers of gasoline, No. 2-D diesel fuel and No. 2 heating oil to reflect increased costs of imports and domestic crude petroleum.

The new rule set out in § 150.355, states that the ceiling price for retail sales of gasoline, No. 2-D diesel fuel and No. 2 heating oil is the May 15, 1973, selling price plus increased costs of imports and domestic crude petroleum incurred between May 15, 1973, and the end of September. This change places all retailers of these products on the same May 15, 1973 base level, and reflects the Council's intent to provide a "cushion" against future cost increases that may be incurred after October 1 and before the next periodic review of ceiling prices by the Council. The increases are effective immediately for all retailers except refiner-retailers who may not increase ceiling prices until October 1.

The ceiling price rule also allows increases in heating oil costs to be passed on by heating oil retailers on November 1, 1973 and the first day of any subsequent month to recoup increased costs of imports and of domestic crude incurred during the prior month. This change conforms previous provisions governing future heating oil price increases with the new ceiling price provision and also permits pass through of domestic crude cost increases as well as increased costs of imports. A new definition has been used in the section, specifying the computation of "increased costs of imports and domestic crude petroleum." The amendment also eliminates the concepts of "actual cost" and "actual markup", since increased costs are measured from the May 15 selling price. This measure effectively permits retailers to recover increased product costs incurred while the prior ceiling rule was in effect, and provides price margin relief as well.

New ceiling prices must be posted by October 5.

Several changes have been made to § 150.356, governing the allocation of a refiner's increased costs. The Scope section has been changed to reflect the inclusion of increased costs of domestic crude petroleum in ceiling prices for gasoline, No. 2-D diesel fuel and No. 2 heating oil sold by refiner-retailers, as has been done for other retailers.

In § 150.356(c), stating the general allocation rule, certain dates have been changed, to permit increases in refiner's selling prices as of November, 1973. These changes are the result of the new pricing rule which will include costs up to October 1 and simply accommodate the previously established rules to the new ceiling pricing system.

No change has been made in the allocation formula. However, to implement the new pricing rules, the months designated by the superscripts "t" and "u" in the formula have been adjusted. Section 150.356(d), measurement of costs to be used in ceiling prices, has been similarly amended to (1) include allowable increases in costs of domestic crude petroleum and (2) adjust the month designations for inclusion of such increased costs. Similar changes are made to §§ 150.356(e) and 150.356(f).

The second major change made to the price rules of Subpart L is contained in § 150.359, resellers' and retailers' price rules, which has been rewritten. The new price rule again eliminates the use of "actual cost" and "actual markup" and provides for the addition of increased costs of imports and domestic crude petroleum to the May 15, 1973, selling price. Products other than gasoline, No. 2-D diesel fuel and No. 2 heating oil, are therefore also priced on the principle of a May 15 selling price plus increased costs. A definition of increased costs has been added to be used in computations under this rule.

Certain technical amendments have also been made.

Technical changes are made to the definition of "Transaction" in § 150.352, to correct the reference to 26 U.S.C. 1563 (a). The reference to the § 150.356(b) measure for cost increases has been deleted from § 150.358(i)(1), and in that same section the reference to § 150.357 (b) has been corrected to refer to § 150.356.

The definition of refiner-reseller has been amended in § 150.352 to include certain sales made to resellers or retailers and sales to ultimate consumers other than sales of gasoline, No. 2-D diesel fuel and No. 2 heating oil to ultimate consumers. The definition of refiner-retailer is adjusted to allow for this change. These amendments correct an inadvertent omission in the previous regulations.

Another change implemented in these amendments is the elimination of the requirement to certify increased costs of imported No. 2 heating oil. Sections 150.358(k) and 150.359(d) have been changed accordangly. With the inclusion of an adjustment for increased costs of imports and of domestic crude petroleum in adjusting ceiling prices of No. 2 heating oil, a separate determination and certification of increases in imported product costs is no longer required.

A minor change has also been made to § 150.358(g), describing refiner's base prices by eliminating the provisions for computation of increased costs "for a particular month." The final change contained in these amendments is an amendment to § 150.361(c), for determining base and ceiling prices upon acquisition of an entity. The use of the single price level of May 15 eliminates the computations of "actual cost" or "actual markup," and these references have therefore been deleted from the section.

Because the purpose of these amendments is to provide immediate guidance as to Cost of Living Council decisions, I find that publication in accordance with normal rulemaking procedures is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit comments regarding these amendments. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

In consideration of the foregoing, Chapter I of Title 6 of the Code of Federal Regulations is amended as follows, effective 5:00 p.m., e.s.t., September 28, 1973 with respect to retailers, resellers, reseller-retailers and refiner-resellers and effective 11:59 p.m., local time September 30, 1973 with respect to refiner-retailers and other refiners not acting as refiner-resellers.

Issued in Washington, D.C. on September 28, 1973.

JOHN T. DUNLOP,
Director, Cost of Living Council.

§ 150.352 [Amended]

1. Section 150.352 is amended by revising the definition of "Refiner-reseller" to read as follows:

"Refiner-reseller" means that part of a refiner which carries on the trade or business of purchasing covered products in arms-length transactions and selling those products to other resellers, retailers or ultimate consumers without substantially changing their form, or commingling them for accounting purposes with refined products.

2. Section 150.352 is amended by revising the definition of "Refiner-retailer" to read as follows:

"Refiner-retailer" means a refiner or that part of a refiner (other than a refiner-reseller) which sells covered products to ultimate consumers.

3. Section 150.352 is amended in the definition of "Transaction" by changing the reference to "26 U.S.C. 1536(c)" to read "26 U.S.C. 1563(a)".

4. Section 150.355 is revised to read as follows:

§ 150.355 Ceiling price rule: Retail sales of gasoline, No. 2-D diesel fuel and No. 2 heating oil.

(a) *Applicability.* This section applies to each retail sale of No. 2-D diesel fuel, No. 2 heating oil and gasoline by a refiner-retailer, reseller-retailer, or retailer.

(b) *Definitions.* As used in this section—

"Increased costs of imports and domestic crude petroleum" means (1) with respect to a refiner-retailer, the increased costs of imports and domestic crude petroleum as calculated pursuant to § 150.356(d)(1); and (2) with respect to a retailer or reseller-retailer, the difference between the weighted average unit cost of the product concerned in inventory on September 27, 1973 and the weighted average unit cost of the product concerned in inventory on May 15, 1973.

"Seller" means a retailer, reseller-retailer or refiner-retailer.

(c) *Rule.* (1) Effective 5:00 p.m., e.s.t., September 28, 1973, no retailer or reseller-retailer of gasoline, No. 2-D diesel fuel, or No. 2 heating oil may charge a price with respect to a retail sale of any such item which exceeds the ceiling price for that item as determined in paragraph (d) of this section.

(2) Effective 11:59 p.m., local time, September 30, 1973, no refiner-retailer of gasoline, No. 2-D diesel fuel, or No. 2 heating oil may charge a price with respect to a retail sale of any such item which exceeds the ceiling price for that item as determined in paragraph (d) of this section.

(d) *Ceiling prices.* (1) The ceiling price for retail sales of gasoline of a particular octane number, No. 2-D diesel fuel and No. 2 heating oil by a seller at each outlet where the seller retails such item is (i) the weighted average price at which each such item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, at each such outlet plus (ii) increased costs of imports and domestic crude petroleum as defined in paragraph (b) of this section. If the seller first offered gasoline, No. 2-D diesel fuel or No. 2 heating oil at a particular outlet after May 15, 1973, the price at which each such item was priced in transactions on May 15, 1973, at the nearest comparable outlet shall be used in computing the ceiling price. In computing the ceiling price, a firm may not exclude any temporary special sale, deal or allowance in effect on May 15, 1973.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, monthly adjustments to the ceiling prices of No. 2 heating oil may be made on the first day of each month beginning with November 1973 to reflect, on a dollar-for-dollar basis, increased costs of No. 2 heating oil. If in any month a seller establishes a ceiling price for No. 2 heating oil which does not include the entire amount of the increased costs of No. 2 heating oil allowable, the unused portions may be added to the May 15, 1973 selling price to compute the ceiling price for a subsequent month. For any month in which the cost of No. 2 heating oil decreases, the seller's ceiling price of No. 2 heating oil must be decreased to reflect on a dollar-for-dollar basis the decreases in cost of No. 2 heating oil. Any seller which increases the ceiling price on No. 2 heating oil pursuant to this subparagraph must submit a report in accordance with the forms and instructions issued by the Cost of Living Council by the fifth day of the month in which the ceiling is increased.

(e) *Posting.* No later than 11:59 p.m., local time, October 5, 1973, each seller of gasoline or No. 2-D diesel fuel shall post the ceiling price in a prominent place on each pump used to dispense retail sales of gasoline or No. 2-D diesel fuel and the octane number for that gasoline. The ceiling price and octane number must be certified and posted in the form and manner prescribed by the Cost of Living Council.

5. Section 150.356 is amended by revising paragraph (a) to read as follows:

§ 150.356 Allocation of refiner's increased costs of imports and domestic crude petroleum.

(a) *Scope.* This section prescribes the requirements governing the inclusion of a refiner's increased costs of imports and domestic crude petroleum in the computation of its ceiling prices for retail sales of gasoline; No. 2-D diesel fuel, and No. 2 heating oil; and base prices for covered products. This section does not apply to increased costs of imports and increased costs of domestic crude petroleum for products a refiner resells as a refiner-reseller pursuant to § 150.359.

§ 150.356 [Amended]

6. Section 150.356 is amended in the first paragraph of subparagraph (1) of paragraph (c) to read as follows:

(c) *Allocation of increased costs*—(1) *General rule.* In computing its ceiling prices and base prices for covered products pursuant to §§ 150.355(d) and 150.358(g), a refiner may increase its May 15, 1973 selling prices to each class of purchaser each month beginning with November 1973 by an amount to reflect

the increased costs of imports and increased costs of domestic crude petroleum allowable under paragraphs (d), (e) and (f) of this section: *Provided,* That the amount of increased costs used in computing a ceiling price or base price is calculated by use of the general formula set forth in subparagraph (2) of this paragraph. If, in any month beginning with November 1973, a firm establishes a base price for any covered product or a ceiling price for No. 2 heating oil which does not include the entire amount of inceased costs calculated pursuant to this formula and allowable under paragraphs (d), (e) and (f) of this section for a particular item, the unused portion may be added to the May 15, 1973 selling price to compute the respective base price or ceiling price for a subsequent month.

7. Section 150.356 is amended in the Superscripts section of subparagraph (2) of paragraph (c) to read as follows:

SUPERSCRIPTS

n=The fiscal quarter of the preceding year corresponding to the respective period of measurement.
o=The month of May 1973.
t=The period of measurement. For ceiling prices other than No. 2 heating oil, t= the month of September 1973. For ceiling prices of No. 2 heating oil and base prices, t=month of measurement. (The month of measurement is the month preceding the current month).
u=The current month for base prices and the ceiling price of No. 2 heating oil and the month of October 1973 for the ceiling prices of gasoline and No. 2-D diesel fuel. Quantities calculated for the current month will be estimates which should be based on the best available data.

8. Section 150.356 is amended by revising paragraph (a) to read as follows:

(d) *Measurement of increased costs of imports and domestic crude petroleum for inclusion in computation of ceiling prices of special products*—(1) *Adjust to May 15, 1973 selling price.* In computing its ceiling prices for a special product, a refiner may increase its May 15, 1973 selling price to each class of purchaser by an amount to reflect the increased costs of imports and increased costs of domestic crude petroleum attributable to retail sales of that special product using the differential between the month of September, 1973 and the month of May 1973.

(2) *Subsequent adjustments to the ceiling price of No. 2 heating oil.* Notwithstanding the provisions of subparagraph (1) of this paragraph in computing the ceiling price for No. 2 heating oil, a refiner may, for any month subsequent to October 1973, increase its May 15 selling price to each class of purchaser by an amount to reflect the increased costs of imports and domestic crude petroleum using the differential between the month of measurement and the month of May 1973, attributable to retail sales: *Provided,* That the refiner uses the amount derived from this computation in lieu of the amount calculated in subparagraph (1) of this paragraph.

9. Paragraph (e) of § 150.356 is amended by changing the date "August 1973" in the first sentence to read "October 1973" and by changing the date "July 31, 1973" in the second sentence to read "September 30, 1973".

10. Paragraph (f) of § 150.356 is amended by changing the date "August 1973" to read "October 1973".

§ 130.358 [Amended]

11. Paragraph (g) of § 150.358 is amended to delete the phrase "for a particular month" in the first sentence.

12. Section 150.358 is amended in subparagraph (1) of paragraph (i) to read as follows:

(i) *Current cost.*—(1) *Current costs.* Curent costs are the net allowable costs incurred during the current cost period with respect to the item concerned excluding increased costs of imports and increased costs of domestic crude petroleum incurred after May 15, 1973 and measured pursuant to § 150.356.

13. Paragraph (k) of § 150.358 is amended by adding a period after the phrase "octane number of the gasoline sold" and deleting all that follows thereafter.

14. Section 150.359 is revised to read as follows:

§ 150.359 Price rule: Resellers and retailers.

(a) *Applicability.* This section applies to each sale of a covered product other than a retail sale of gasoline, No. 2-D diesel fuel, or No. 2 heating oil which is subject to § 150.355 and other than a sale by a refiner which is subject to § 150.358. Sellers subject to this section are refiner-resellers, resellers, reseller-retailers and retailers.

(b) *Definition.* As used in this section—

"Increased costs of imports and domestic crude petroleum" means the difference between the weighted average unit cost of an item in inventory and the weighted average unit cost of that item in inventory on May 15, 1973. If a particular item was not in inventory on May 15, 1973, the date for computing the cost is the most recent day preceding May 15, 1973 when the seller had the item in inventory.

(c) *Price rule.* A price may not be charged for any item in a sale subject to this section which is in excess of the weighted average price at which the item was lawfully priced by the seller in transactions with the class of purchaser concerned on May 15, 1973, plus increased cost of imports and domestic crude petroleum incurred after May 15, 1973. If the seller first offered an item for sale after May 15, 1973, the price at which each such item was priced in transactions on May 15, 1973, at the nearest comparable outlet shall be used in applying the price rule. In determining the May 15, 1973, selling price, a firm may not exclude any temporary special sale, deal or allowance in effect on May 15, 1973.

(d) *Certification.* Each seller with respect to each sale of gasoline other than a retail sale must certify in writing to the purchaser the octane number of the gasoline sold.

15. Section 150.361 is amended in subparagraph (1) of paragraph (c) to read as follows:

§ 150.361 New item and lease rule.

* * * * *

(c) *Base prices and base production control levels upon acquisition.* (1) If a legal entity or a component of a legal entity determines a base price or ceiling price pursuant to this subpart for a covered product which it sells to a particular market and the entity, or component is subsequently acquired by another firm, that covered product does not become a new item with respect to the same market. The base price or ceiling price of the covered product with respect to that market remains the base price or ceiling price determined for it by the acquired entity or component.

* * * * *

[FR Doc.73-21089 Filed 10-1-73;10:50 am]

Title 14—Aeronautics and Space

[Airspace Docket No. 73-SW-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Joint Use Restricted Area and Alteration of Controlled Airspace

On July 26, 1973, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (38 FR 19973) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a temporary joint-use restricted area, R-5120, near White Sands Missile Range (WSMR) N. Mex. The area would be used for a six-day period beginning October 26, 1973, for the Joint Training Exercise, Brave Shield VI.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. Written comments and correspondents in opposition to the proposal were received from various organizations and individuals. As a result of these comments, an informal airspace meeting was held at the Albuquerque ARTC Center on September 19, 1973, to discuss the proposal with user organizations. Modifications were made by the United States Air Force to the original proposal. In addition, air traffic control procedures were developed and air/ground capabilities were established. As the result of the actions taken at the informal airspace meeting, all known objections have been resolved.

The comments received as a result of the informal airspace meeting did not

differ substantially from the previous written comments generated by the original proposal.

The objections and comments summarized below, are a consolidation of comments generated by the NPRM and the informal public airspace meeting.

1. The dates of the exercise should be changed to eliminate hardships on air tourism and ranching operations.

2. Low flying exercise aircraft would disrupt cattle round-up operations with attendant economic hardships.

3. The exercise area would conflict with a number of scheduled air carrier operations, both en route and terminal. The excluded time east of Roswell should be extended to 2000 local.

4. The inclusion of the VFR corridor in the restricted area would deny the New Mexico Air Tour access to Alamogordo.

5. The surface to FL 280 altitude designation would deny various scheduled and unscheduled general aviation operators from flying clients to land development projects, ranches and small towns.

6. The exercise could create unreasonable hazards and conceivably result in accidents to the public on the ground and in the air.

7. An economic burden will be created by the exercise.

8. The proposal was not published in sufficient time to allow an in-depth study or to solicit comments. The aviation community will not be notified of the exercise area and procedures in time.

9. The exercise represents an infringement upon the right of free access through public airspace.

10. The proposed method for issuing clearances for civil aircraft into the exercise area will be ineffective.

11. Exercise area is excessive in size.

12. What legal right does military have to refuse citizens aerial access to almost the entire southeast quarter of New Mexico for any period of time.

13. Existing airspace and land areas should be used.

14. The floor of the exercise airspace should be raised from the surface to 5,000 feet AGL.

15. Communications are/will be inadequate for the filing of VFR flight plans.

16. Disruption of ground traffic will aggravate timely cattle shipments.

17. There will be supersonic flight and sonic booms will create damage.

Each of the comments has been evaluated and modifications made to the original proposal where appropriate. Other objections will be accommodated procedurally by means of a letter of agreement (LOA) signed by the using and controlling agencies of the joint-use restricted airspace. A reply to each of the above comments is summarized as follows:

Item 1. The dates of the exercise cannot be changed due to the level of effort and funds expended to date.

Item 2. The U.S. Air Force has agreed to avoid known areas of high concentration of cattle. In addition to the cattle areas identified at the informal airspace meeting, the U.S. Air Force will contact other cattlemen to determine their cattle areas.

Item 3. All scheduled air carrier operations will be allowed by LOA to operate, uninterrupted by means of protected airspace over an agreed to period of time and exercise aircraft will avoid air carriers route of flight. The time of exclusion east of Roswell was extended to 2,000 local.

Item 4. An acceptable alternate route of flight will be jointly developed to safely accommodate the Air Tour.

Item 5. The surface restriction will be raised to 500 feet AGL in the eastern portion of the exercise area so that VFR operations can be conducted by general aviation operators. Five airports, Alamogordo, Artesia, Carrizozo, Roswell and Ruidoso, will have airspace excluded from the exercise airspace. The excluded airspace will be six nautical miles in diameter, centered on the airport, from the surface to 800 feet AGL. Exercise aircraft will not fly below 1,000 feet AGL in these areas.

Item 6. The establishment of a temporary restricted area that is effectively controlled as such, minimizes the hazards. Any aircraft operator desiring to fly within the protected airspace will receive approval or recommended alternate flight routes or temporary delays and traffic advisories from the appropriate FAA Flight Service Station, ARTC Center facility or military controlling agency. These agencies, their locations, call signs, communication frequencies and telephone numbers (reverse charge) will be shown in the October 11 Airmen's Information Manual, National NOTAM and local wide spread distribution of information by the FAA. Additional dissemination will be made by New Mexico private aviation publications to advise both the aviation and ranch operators. Broadcasts by appropriate FAA Flight Service Stations, local news, radio and TV media will also be made to maximize exposure to the public of the exercise and procedures for airspace use. Temporary road blocks will be placed on Route 54, within the VFR corridor between El Paso and Alamogordo, to exclude ground traffic from exercise hazards. Rerouting of nonexercise aircraft to the east of R-5103 will allow VFR flights to be made into Alamogordo from the north and the south.

Item 7. Provisions have been made to allow VFR flying into a major portion of the exercise area by raising the temporary floor to 500 feet AGL. Also, the adherence to VFR flight plans proposed by nonparticipants and approved by the military or the FAA facilities surrounding the exercise area will minimize exposure to hazards.

Item 8. Granted that insufficient lead time was not made available to the public the using agency has made major accommodations to minimize the impact of the aviation portion of the exercise to nonparticipants. The publicity effort described in Items 3 and 6 is expected to be adequate.

Item 9. The procedures and modifications previously cited will minimize the inconveniences to the public in their transit of the airspace. More aviation information and safety controls will be available during the exercise than currently available.

Item 10. Adequate planning has been accomplished for the timely issuance of traffic advisories and flight plan approvals. If deficiencies are encountered, corrective measures and procedures will be adopted.

Item 11. The large scale joint maneuver requires sufficient ground and airspace volume to realistically test air and ground forces and their tactical control systems. Use of the existing WSMR restricted airspace has minimized the size of the exercise airspace. The existing restricted airspace in N. Mex., represents 11 percent of the State area.

Item 12. The legal authority to utilize this airspace is contained in Sections 306 and 307 of the Federal Aviation Act of 1958 as amended.

Item 13. The response in Item 11 applies. The existing airspace at WSMR is not of sufficient size to contain the air maneuvers that will be required as a result of reactions to the ever changing exercise scenario.

Item 14. The floor has been raised from the surface to 500 feet AGL as a result of the comments made. The Air Force has stated that any increase above 500 feet AGL will not allow for realistic low altitude maneuvering and evaluation of the tactical control system. Attendees at the informal airspace meeting who operate in the same area and for the same reasons as the writer of this comment were satisfied with the modification to the airspace floor.

Item 15. The response in Item 6 applies. Thorough coordination has been planned and will be maintained between the FAA and the Air Force to insure that both airborne and telephonic communications are responsive to the VFR pilot.

Item 16. The response in Item 2 applies.

Item 17. The military has stated that there will be no intentional supersonic flight.

Since modifications to the NPRM were responsive to the public comments and are less restrictive in nature than those of the NPRM, further public notice and procedure thereon are unnecessary.

In view of the military time requirements relating to this action and the length of time required to adequately respond to all comments received, I find that good cause exists for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0001 local time, October 26, 1973, as hereinafter set forth.

In § 71.151 (38 FR 341) R-5120 Brave Shield VI, N. Mex." is added.

In § 73.51 (38 FR 658) the following temporary restricted area is added: R-5120 Brave Chield VI, N. Mex.

BOUNDARIES

Beginning at Lat. 33°26'50"N., Long. 107°-00'00"W.; to Lat. 33°21'00"N., Long. 107°-08'00"W.; to Lat. 33°14'00"N., Long. 107°-10'00"W.; to Lat. 32°06'20"N., Long. 106°-3400"W.; then eastward along the southern boundary of R-5107A across the El Paso-Alamogordo VFR corridor to the southwest corner of R-5103 and continuing along its southern boundary to Lat. 32°00'15"N., Long. 105°56'40"W.; to Lat. 32°10'00"N., Long. 105°30'00"W.; to Lat. 32°10'00"N., Long. 104°38'00"W.; to Lat. 32°31'00" N., Long. 104°19'00"W.; to Lat. 34°10'00"N., Long. 103°41'00"W.; to Lat. 34°10'00"N., Long. 103°55'00"W.; to Lat. 34°18'00"N., Long. 103°55'00"W.; to Lat. 34°15'45"N., Long. 106°40'30"W.; to Lat. 33°56'30"N., Long. 106°44'00"W.; to Lat. 33°54'00"N., Long. 106°46'30"W.; to Lat. 33°32'45"N., Long. 106°58'45"W.; to point of beginning; excluding that airspace:

1. from the surface to 800 feet AGL within 3 nautical miles of the Alamogordo, Artesia, Carrizozo, Roswell and Ruidoso, N. Mex., Airports;

2. within a 15-nautical mile radius of the Roswell VORTAC from the surface to 12,000 feet MSL from 0600-2200 local time daily; and excluding that airspace extending from the surface to 12,000 feet during the period 0600-2000 local time daily which encompasses an area bounded by a line which is 4 miles north of and parallel to V-280 (Roswell VORTAC 051°radial) extending northeastward from the Roswell 15-mile radius area to the eastern boundary of the proposed temporary restricted area, thence southwest along this boundary to a point 4 miles southwest of V-83 (Carlsbad 331°/Roswell 151° radial), thence northwest paralleling V-83 and terminating at the Roswell 15-mile radius, thence counterclockwise along the 15-mile arc to point of beginning.

Designated altitudes. Surface to FL 280 inclusive, with exceptions as stated, south and west of a line beginning at Lat. 33°56'30"N., Long. 106°44'00"W.; to Lat. 33°49'45"N., Long. 106°45'20"W.; thence along the southern boundary of R-5107C to Lat. 33°44'45"N., Long. 106°04'00"W.; thence along the eastern boundary of R-5107B to Lat. 32°45'00"N., Long. 106°04'40"W.; to Lat. 32°45'00"N., Long. 105°59'00"W.; thence clockwise along the north and east boundary of R-5103 to Lat. 32°00'15"N., Long. 105°56'40"W.; and 500 feet AGL to FL 280 north and east thereof.

Time of designation. Continuous 0001 local, October 26, 1973, to 2359 local, October 31, 1973.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Readiness Command (USAFRED), Langley Air Force Base, Virginia.

(Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); section 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on September 28, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-21060 Filed 10-1-73;8:45 am]

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 72-EA-82]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 15384 of the FEDERAL REGISTER for August 1, 1972, the Federal Aviation Administration published a proposed rule to designate a Grundy, Va., Transition Area.

Because of the failure of the NDB facility to pass flight test criteria and the length of time elapsed since the original proposal, the proposed rule is herewith withdrawn.

(Sec. 307(a), Federal Aviation Act of 1958 72 Stat. 749 (49 U.S.C. 1348); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c).)

Issued in Jamaica, N.Y., on September 13, 1973.

MARTIN J. WHITE,
Acting Director, Eastern Region.

[FR Doc. 73-20871 Filed 10-1-73;8:45 am]

[Airspace Docket No. 73-NE-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Groton, Connecticut, Control Zone (38 FR 383).

On or about September 25, 1973, the Federal Aviation Administration will decommission the Groton Radio Beacon. This action requires the redesignation of the Groton Control Zone and will result in a reduction in the size of the Control Zone.

Since this amendment restores airspace to the public use and is less restrictive, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than thirty (30) days.

In consideration of the following, the Federal Aviation Administration, having completed a review of the aircraft requirements in the terminal airspace of Groton, Connecticut, amends Part 71 of the Federal Aviation Regulations effective upon publication in the FEDERAL REGISTER:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Groton, Connecticut Control Zone and insert the following in lieu thereof:

Within a 4-mile radius of the center 41°19'50" N., 72°02'50" W. of Trumbull Airport, Groton, Connecticut, within 2 miles each side of the Trumbull VOR 047° Radial extending from the 4-mile-radius zone to 7 miles NE of the VOR; within 2 miles each side of the Trumbull VOR 190° Radial extended from the 4-mile-radius zone to 6.5 miles south of the VOR. Excluding that portion within a 1-mile radius of the center 41°15'15" N., 72°02'00" W. of the Elizabeth, New York Airport. This Control Zone is effective from 0600 to 2300 hours daily, local time, and during specific dates and times established in advance by a Notice to Airmen.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1655(c).)

Issued in Burlington, Massachusetts, on September 13, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73-20872 Filed 10-1-73;8:45 am]

[Airspace Docket No. 73-EA-36]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On June 28, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 17019) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would delete Boston ARTC Center as controlling agency for Camp Drum, N.Y., Restricted Area, R-5201 and establish Watertown, N.Y., Flight Service Station as the successor controlling agency.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the Submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 11, 1973, as hereinafter set forth.

§ 73.52 (38 FR 662) is amended as follows:

In R-5201, Controlling agency. "Boston ARTC Center" is deleted and "Watertown, N.Y. Flight Service Station" is substituted therefor.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 17, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-20873 Filed 10-1-73;8:45 am]

[Docket No. 13228; Amdt. No. 139-3]

PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CAB-CERTIFICATED AIR CARRIERS

Airports and Heliports Unscheduled Operations with Small Aircraft Extension of Reporting Dates

The purpose of this amendment to § 139.12 of Part 139 of the Federal Aviation Regulations is to extend from October 5, 1973, to December 15, 1973, the time within which persons who on May 20, 1973, were operating an airport

or heliport serving a CAB-certificated air carrier conducting only unscheduled operations or operations with small aircraft may apply for an extension of their airport operating certificate, and to extend the time for submitting a schedule of compliance showing how compliance with the requirements of Part 139 will be achieved.

Part 139 of the Federal Regulations provides for the issuance of airport operating certificates for land airports serving CAB-certificated air carriers. As originally adopted, Part 139 was applicable only to land airports serving "scheduled" air carriers operating large aircraft (other than helicopters). Amendment 139–1 (38 FR 9795) published in the FEDERAL REGISTER on April 20, 1973, amended Part 139, effective May 21, 1973, to make it applicable to all airports serving air carriers certificated by the Civil Aeronautics Board. As noted in the preamble to Amendment 139–1, the FAA recognized that the additional airports that are required to comply with Part 139 by virtue of Amendment 139–1 would not be able to comply with all of the requirements of Part 139 before the May 21, 1973, effective date. The FAA had determined that those airports were able to conduct a safe operation, and that provisional airport operating certificates, subject to such terms, conditions and limitations as the Administrator finds are reasonably necessary to assure safety in air transportation, should be issued to those airports pending their compliance with Part 139. Accordingly, a new § 139.12 was added to Part 139 which provisionally certificated for a period of 45 days (until July 5, 1973) airports and heliports which, on May 20, 1973, were serving CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft in order that they might continue to serve such air carriers pending compliance with Part 139. Section 139.12 also provided for the extension of that certification to May 21, 1974, upon the request of the airport operator prior to July 5, 1973, and compliance by the operator with the requirements of that section.

On June 28, 1973, the FAA issued Amendment 139–2 to Part 139 (38 FR 1774; July 3, 1973) amending § 139.12 by extending the July 5, 1973 date to October 5, 1973 (the time within which the operators of airports provisionally certificated under § 139.12(a) may meet the requirements of § 139.12(b) in order to apply for an extension of that certificate to May 21, 1974), and by extending the dates within which airport operators must comply with the reporting requirements of § 139.12(e)(2) and (3) from September 1, 1973, and January 15, 1974, to November 1, 1973, and February 15, 1974, respectively, it then appearing to the FAA that the 45-day provisional certification period originally provided for in § 139.12 of Amendment 139–1 did not allow sufficient time for operators of those airports to determine the extent to which they might not be in full compliance with Part 139 and the consequent need to apply for an extension of their provisional certificate.

On September 10, 1973, the FAA issued a notice of proposed rulemaking (Docket No. 13202, Notice No. 73–25; 38 FR 26389, September 20, 1973) which proposes amendment of Part 139 to clarify the meaning of the word "serving" used in prescribing the applicability of the part and in certain provisions of the part, including § 139.12.

The FAA has received considerable comment and recommendations regarding the broadened applicability of Part 139 to include all airports serving CAB-certificated air carriers. A substantial number of those comments assert that it is unreasonable and unrealistic to consider those airports or landing areas, which only infrequently or occasionally, or seasonally, accommodate air carrier operations, as "serving" air carriers. It is further asserted that the economic and practical burdens of complying with the requirements of Part 139 in these circumstances are disproportionate to the benefits of the air carrier operation and unnecessary, by reason of the infrequent or occasional character of the air carrier activity.

The FAA believes, in the light of comments received and based on additional airport data and information collected during the course of the airport certification program, that a distinction may reasonably and properly be made between airports, for certification purpurposes, based on "frequency-of-operation." Precedent is found for this kind of distinction in § 121.7 of Part 121 of the Federal Aviation Regulations, which requires intrastate common carriage by commercial operators to be conducted in accordance with rules applicable to domestic air carriers, if the commercial operator's activity exceeds certain specified rates, i.e., a total of 36 or more flights or 18 or more rounds trips in any 90 consecutive days. This provision was incorporated in the regulations applicable to commercial operators in 1949, and no reasons based on safety considerations for abolishing this frequency-of-operation distinction have become apparent.

Accordingly, the FAA has proposed in Notice No. 73–25 to amend Part 139 to clarify and give definition to the term "serving" as used in the Part. As proposed therein Part 139 would be applicable to any airport expected to be used by scheduled air carriers as a regular, provisional, or refueling airport. Such airports are identified in air carrier operations specifications and have well defined meanings, as follows: a regular airport is an airport approved as a regular terminal or intermediate stop on an authorized route; a provisional airport is an airport approved for use by an air carrier for the purpose of providing service to a community when the regular airport serving that community is not available; a refueling airport is an airport approved as an airport to which flights may be dispatched only for fueling. The Part would also be applicable to airports expected to be used by air carrier users when the "frequency-of-operation" is 36 or more flights in any period of 90 consecutive days. The effect of this amendment, if adopted, would be to narrow the applicability of Part 139.

In view of the foregoing and in order to allow time for receipt of views and comments in response to Notice 73–25, and time for consideration of those views and comments, prior to possible rule making, the FAA has determined that there is a need to extend from October 5, 1973, to December 15, 1973, the time within which the operators of airports provisionally certificated under § 139.12(a) may meet the requirements of § 139.12(b) in order to apply for an extension of that certificate to May 21, 1974, and to extend from November 1, 1973, to December 15, 1973, the time within which a certificate holder under § 139.12 would be required to submit a schedule for compliance showing how compliance with each requirement of Part 139 will be achieved and any requests for exemptions from any of those requirements. The requirement for submission of a status report before February 15, 1974 under § 139.12(e)(3) is not changed by this amendment.

Since this amendment is an extension of the effective dates of new requirements and imposes no additional burden on any person, I find that notice and public procedures thereon are unnecessary and that good cause exists for making this amendment effective on less than 30 days' notice.

This amendment is made under the authority of sections 313(a), 609, 610(a), and 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1429, 1430(a), and 1432), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing § 139.12 of Part 139 of the Federal Aviation Regulations is amended, as follows, effective October 4, 1973:

1. Paragraph (a) and (d) are amended by striking the date "October 5, 1973," and inserting in lieu thereof the date "December 15, 1973."

2. Paragraph (e)(2) is amended by striking the date "November 1, 1973," and inserting in lieu thereof the date "December 15, 1973."

As amended § 139.12 of Part 139 reads as follows:

§ 139.12 Issue of certificates for airports serving only unscheduled operations, or operations with small aircraft.

(a) Notwithstanding any other provision of this Part, a person who on May 20, 1973, operated an airport or heliport which serves CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft may continue to serve such air carriers and is certificated under this Part until December 15, 1973.

(b) An airport operator may obtain an extension of the certificate to May 21, 1974, if together with a request for such extension and delivery of the certificate,

it submits to the appropriate Regional Director:

(1) The name and address of the airport, the airport owner, and the airport operator; and

(2) Its assurances that at least the level of safety current at the airport on May 21, 1973, will be maintained.

(c) An airport operating certificate issued under this section shall—

(1) Contain a provision that at least the current level of safety will be maintained at the airport, and such other terms, conditions or limitations that the Administrator may find necessary; and

(2) Be effective until May 21, 1974, unless sooner surrendered, suspended, revoked, or otherwise terminated for violation of the terms of the certificate.

(d) If a request for extension and delivery of an airport operating certificate issued under this section is not made before December 15, 1973, the certificate terminates on that date.

(e) The holder of a certificate issued under this section shall—

(1) Maintain at least the level of safety current at the airport on May 21, 1973;

(2) Submit to the appropriate Regional Director before December 15, 1973, a schedule for compliance showing how compliance with each requirement of this Part will be achieved, and any requests for exemptions from any of those requirements in accordance with Part 11 or § 139.19 of this Part; and

(3) Submit a status report to the appropriate Regional Director before February 15, 1974, showing to what extent compliance has been achieved.

Issued in Washington, D.C., on September 25, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-20874 Filed 10-1-73;8:45 am]

Proposed Rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 959]

[Docket No. AO-322-A3]

ONIONS GROWN IN SOUTH TEXAS

Decision on Proposed Amendment to Marketing Agreement and Order; Referendum Order

This decision finds that the proposed amendment to allow expenditures of marketing order funds for production research should be adopted. The referendum order directs that a referendum be conducted among onion producers in the production area to determine whether such producers favor issuance of the proposal.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674)), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), a public hearing was held in McAllen, Texas, July 10, 1973. The notice thereof was published in the June 8, 1973, FEDERAL REGISTER (38 FR 15080) upon a proposed amendment to Marketing Agreement No. 143, and order No. 959, both as amended (7 CFR Part 959), hereinafter collectively referred to as the "order," regulating the handling of onions grown in South Texas.

On the basis of evidence presented at the hearing and the record thereof, a recommended decision in this proceeding was filed on August 14, 1973, with the Hearing Clerk, U.S. Department of Agriculture, and notice thereof was published in the August 17, 1973, issue of the FEDERAL REGISTER (38 FR 22240). The notice allowed interested persons until September 10, 1973, for filing exceptions thereto. No exceptions were received.

Material issues, findings, and conclusions, and general findings. The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (38 FR 22240) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Amendment of the marketing agreement and order. Annex hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Onions Grown in South Texas"[1] and "Order Amending the Order Regulating the Handling of Onions Grown in South Texas" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referedum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among producers who, during the representative period hereby determined to be March 12, 1973, through May 13, 1973, were engaged within the production area, in the production of onions for market, to ascertain whether such producers favor the issuance of the said annexed order.

Peter G. Chapogas, and David B. Fitz of the Fruit and Vegetable Decision, Agricultural Marketing Service, U.S. Department of Agriculture, are hereby designated as referendum agents to conduct said referendum severally or jointly. The said agents may appoint subagents to assist them in performing their functions hereunder.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 et seq.).

The ballots used in such referendum shall contain a summary of the proposed amendment to be voted on. If any eligible voter does not receive a ballot by the beginning date of the referendum, he may obtain one from David B. Fitz, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 1321 North Tenth Street, McAllen, Texas 78501, or at any county agent's office within the aforesaid production area.

It is hereby ordered, That this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the annexed order which will be published with this decision.

Dated: September 27, 1973.

JAMES H. LAKE,
Deputy Assistant Secretary.

[1] Filed as part of the original document.

Order[1] Amending the Order Regulating the Handling of Onions Grown in South Texas

§ 959.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order, and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and the applicable rules of practice and procedure effective thereunder (Part 900 of this chapter), a public hearing was held in McAllen, Texas, on July 10, 1973, upon a proposed amendment of Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959) regulating the handling of onions grown in the South Texas production area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefor, as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer;

(2) The order as hereby amended regulates the handling of onions grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held;

(3) The order as hereby amended is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

[1] This order shall not become effective unless and until the requirement of § 900.14 of the Rules of Practice and Procedure, as Amended, Governing Proceedings to Formulate Marketing Agreements and Marketing Orders, has been met.

(4) The order as hereby amended prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the producton and marketing of onions grown in the production area; and

(5) All onions handled by handlers, as defined in the order as hereby amended are in the current of interstate or foreign commerce or directly burden, obstruct, or affect such commerce.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, all handling of onions grown in the South Texas production area shall be in conformity to and in compliance with, the terms and conditions of the order is hereby amended, as follows:

Section 959.48 *Research and development* is amended to read as follows:

§ 959.48 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, consumption or efficient production of onions. The expenses of such projects shall be paid from funds collected pursuant to § 959.42.

[FR Doc.73-20888 Filed 10-1-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 303]

CERTAIN PRODUCTS WITH MEAT INGREDIENTS

Exemption From Definition of a "Meat Food Product"

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Department of Agriculture, pursuant to the authority conferred by the Federal Meat Inspection Act, as amended (34 Stat. 1260, as amended; 21 U.S.C. 601 et seq.), is considering amending Part 303 of the meat inspection regulations (9 CFR Part 303) by adding a new § 303.2 to provide exemptions from the definition of "meat food product" of certain human food products that contain meat, meat byproducts, or meat food products as ingredients.

Statement of considerations. The purpose of these proposed amendments is to establish by regulation the policy of the Department in the matter of exempted food articles that contain meat, meat byproduct, and/or meat food product ingredient(s).

Paragraph (vv) of § 301.2 of the Federal meat inspection regulations provides in part that any article is a "meat food product" provided it is capable of use as human food and made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, except those exempted from the definition as a "meat food product" by the Administrator in specific cases or by regulations, upon a determinaton that they contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and provided they comply with any requirements that are imposed in such cases or regulations as conditions of such exemption to assure that the meat or other portions of such carcasses contained in such articles are not adulterated and that such articles are not represented as meat food products. The term "meat food product," as applied to food products of equines, has a meaning comparable to that provided in the Act and regulations with respect to cattle, sheep, swine, and goats.

These provisions are consistent with section 1(j) of the Federal Meat Inspection Act (21 U.S.C. 601(j)) which defines "meat food product." Under section 1(n) of the Act (21 U.S.C. 601(n)), a product which contains meat in a quantity less than prescribed by regulation but which is purported to be a meat food product is misbranded.

In fulfilling its responsibilities, the Department has, on previous occasions, advised distributors of products containing relatively small portions of meat, meat byproducts or meat food products as ingredients, in matters of labeling so as not to be in violation of the Federal Meat Inspection Act.

Accordingly, the meat inspection regulations would be amended as follows:

1. The Table of contents pertaining to Part 303 would be revised to reflect a new § 303.2 as follows.

Sec.
303.2 Exemption from definition of "meat food product" of certain human food products containing meat, meat byproduct and/or meat food product ingredient(s).

2. Part 303 would be amended by adding a new § 303.2 to read:

§ 303.2 Exemption from definition of "meat food product" of certain human food products containing meat, meat byproduct and/or meat food product ingredient(s).

The following articles contain meat, meat byproducts, or meat food product ingredient(s) only in a relatively small proportion, or historically have not been considered by consumers as products of the meat food industry. Therefore, said articles are exempted from the definition of "meat food product" and the requirements of the Act and regulations applicable to meat food products, if they comply with the conditions specified in this section.

(a) Any human food product not otherwise provided for in this section, if:

(1) It contains 3 percent or less of any raw meat, raw meat byproduct or meat food product, alone or in combination, and provided such meat, meat byproduct or meat food product ingredient(s) are comminuted or otherwise processed to the point of being visually indistinguishable and unidentifiable as a meat, meat byproduct, or meat food product ingredient(s), or contains meat broth or meat stock, alone or in combination, as the only ingredient(s) of meat origin. For purposes of this subparagraph, the equivalent fresh meat content of a product that is formulated with cooked meat as an ingredient shall be based on the following exchange ratio:

Protein content of cooked meat	*The minimum amount of the cooked meat needed to represent an equal quantity of raw meat as required by a product's standard*
23.9% and under	100%
24% to 28.9%	75%
29% to 31.9%	62.5%
32% to 35.9%	50.25%
36% and over	50%

(2) Any reference to the presence of the meat, meat byproduct or meat food product ingredient(s) on the labeling does not represent or tend to represent the food as a product of the meat food industry;

(3) The meat, meat byproduct or meat food product ingredient(s) used in the product were prepared under inspection and passed under the regulations in this subchapter, or were inspected under a foreign inspection system that complies with § 327.2 of this subchapter and that were imported in compliance with the Act and the regulations; and

(4) The immediate container of the food bears a label which shows the name of the product in accordance with this section. The aforesaid percentage of ingredients shall be computed on the basis of the total product formula, except for dehydrated products where such computations will be made on basis of meat in ready-to-serve product, or as otherwise stated in this section.

(b) Seasoning mixtures, canned beans or peas with meat in sauce, vegetables with meat and sauce, cake icings, chili beans and tomatoes with chili gravy, dressings, sauces, crackers, cereal-base chips, snacks, and hors d'oeuvres if:

(1) They contain one or more meats, meat byproducts, or meat food products, alone or in combination, only in condimental quantities; and

(2) They comply with the provisions of paragraph (a) (2), (3), and (4) of this section in all respects.

(c) Close-faced sandwiches (sliced bun or bread slices with enclosed meat product); game sausage or ground game meat with not more than 30 percent fat of cattle, sheep, swine, or goats, singly or in combination; meat and cheese products that contain, alone or in combination, less than 15 percent meat, meat byproduct, or meat food product; gelatin, mono and diglycerides and polyglycerol esters of fatty acids; and minced meat pie fillings, dehydrated soups, bouillon and bouillon cubes and powdered, semi-solid, viscous or fluid soup bases, gravy and sauce mixes, that contain meat extract or meat fat, alone or in combination, as the only ingredient(s) of meat origin; and products consisting of meat,

meat byproducts, or meat food products, alone or in combination, blended with other food ingredients and intended for the feeding of persons with special nutritional requirements for total maintenance or significant portions thereof, if not to be sold through customary retail stores or similar facilities: *Provided*, That products covered under this paragraph comply with the provisions of paragraph (a) (2), (3), and (4) of this section in all respects.

(d) Products of the types specified in this section, except for products labeled "Pork and Beans," will be deemed to be represented as meat products if the name of the meat, meat byproduct and/or meat food product ingredient(s) is used in the product name of the product without appropriate qualifications. For example, a lima bean and sauce product that contains less than 12 percent ham may not be labeled "Lima Beans with Ham and Sauce" but, when appropriate, could be labeled as "Lima Beans and Sauce, Flavored with Ham." Products exempted under this section are subject to the requirements of the Federal Food, Drug, and Cosmetic Act.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by December 14, 1973.

Any person desiring opportunity for oral presentation of views should address such requests to the Product Standards Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on September 26, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-20387 Filed 10-1-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

DEFINITIONS AND STANDARDS OF IDENTITY FOR PASTEURIZED PROCESS CHEESE, CHEESE FOOD AND CHEESE SPREAD

Proposed Use of Enzyme Modified Cheese as an Optional Ingredient

Notice is given that a petition has been filed by L. D. Schreiber Cheese Co., Inc., 1607 Main St., Green Bay, WI 54305, proposing that the definitions and standards of identity for pasteurized process cheese (21 CFR 19.750), pasteurized process cheese food (21 CFR 19.765), and pasteurized process cheese spread (21 CFR 19.775) be amended to permit the use of enzyme modified cheese as an optional ingredient in these processed cheese products. The functional purpose for the addition of enzymes to the cheese solids is to develop an intensified cheese flavor in the cheese solids. The modified cheese solids are then added as an ingredient during the manufacture of the pasteurized process cheese, foods, and spreads, for the purpose of obtaining a uniform desirable flavor in the finished process cheese products.

Grounds given in support of the proposal are as follows:

1. The present standards of identity for most natural cheeses provide for the addition of safe and suitable enzymes during the manufacturing procedure, in addition to the enzymes occurring naturally in the milk from which the cheese is made, for the purpose of aiding in the development of desirable flavor and body characteristics in a natural cheese.

2. Flavor uniformity is important in pasteurized process cheese, cheese foods, and cheese spreads. Considerable difficulty has been experienced in the practice of blending natural cheeses of various varieties and ages so as to maintain the uniform flavor consumers expect each time they purchase a food product. The controlled addition of calculated amounts of enzyme modified cheese solids of known flavor intensity will greatly advance the technology of manufacturing process cheese products of uniform flavor.

3. Present methods of curing natural cheeses to develop desired flavor and body characteristics for subsequent use in pasteurized process cheese, cheese foods, and cheese spreads is time consuming, costly and many times results in losses when undesirable flavors develop or the cheese spoils.

4. Under a temporary marketing permit issued to L. D. Schreiber Cheese Co., Inc., published in the FEDERAL REGISTER on July 10, 1972 (37 FR 14426) pasteurized process cheese containing enzyme modified cheese has been manufactured and distributed in institutional packs on a limited interstate marketing test basis. Results of consumer tests of the product have been favorable. While certain observations indicated the desirability of modifying formulation and production procedures, the use of enzyme modified cheese is proving to be successful.

It should be noted that this petition to amend the subject standards of identity was submitted in accordance with the proposal to amend regulations regarding temporary permits for market testing (21 CFR 10.5), which appeared in the FEDERAL REGISTER on December 9, 1972 (37 FR 26340). Application by the petitioner for extension of the temporary permit with applicable conditions is published elsewhere in this issue of the FEDERAL REGISTER.

For the purpose of simplification and consistency the Commissioner of Food and Drugs proposes on his own initiative to amend § 19.750 (21 CFR 19.750) by revising the last sentence of paragraph (a) (1) which now reads (a) (1) "* * * one or more of the optional ingredients designated in paragraph (d) (1), (2), (3), (4), (5), (6), and (7) of this section may be used.", to read "* * * one or more of the optional ingredients designated in paragraph (d) of this section may be used." This will eliminate the need to revise paragraph (a) (1) each time paragraph (d) is amended. Also paragraph (a) (1) in §§ 19.750, 19.765, and 19.775 will be consistent (21 CFR 19.750, 19.765, and 19.775).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 19 be amended as follows:

1. In § 19.750(a) by revising subparagraph (1) and by adding a new subparagraph (9) to paragraph (d) as follows:

§ 19.750 Pasteurized process cheese; identity; label statement of optional ingredients.

(a) (1) Pasteurized process cheese is the food prepared by comminuting and mixing, with the aid of heat, one or more cheeses of the same or two or more varieties, except cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, hard grating cheese, semisoft part-skim cheese, part-skim spiced cheese, and skim milk cheese for manufacturing with an emulsifying agent prescribed by paragraph (c) of this section into a homogeneous plastic mass. One or more of the optional ingredients designated in paragraph (d) of this section may be used.

* * * * *

(d) * * *

(9) Safe and suitable enzyme modified cheese.

* * * * *

2. In § 19.765(e) by adding a new subparagraph (9) as follows:

§ 19.765 Pasteurized process cheese food; identity; label statement of optional ingredients.

* * * * *

(e) * * *

(9) Safe and suitable enzyme modified cheese.

* * * * *

3. In § 19.775 by adding a new subparagraph (10) to paragraph (f) as follows:

§ 19.775 Pasteurized process cheese spread; identity; label statement of optional ingredients.

* * * * *

(f) * * *

(10) Safe and suitable enzyme modified cheese.

* * * * *

Interested persons may, on or before December 3, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during business hours, Monday through Friday.

Dated: September 24, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–20914 Filed 10–1–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73–EA–78]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Monticello, N.Y., Transition Area (38 FR 538).

New instrument procedures have been developed for Sullivan County International Airport, Monticello, N.Y. These new procedures will require an alteration of the transition area to protect aircraft executing the new procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or befor November 1, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Monticello, New York, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Monticello, N.Y. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 41°42'01" N., 74°47'59" W. of Sullivan County International Airport, Monticello, N.Y., extending clockwise from a 033° bearing to a 111° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 111° bearing to a 169° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 169° bearing to a 318° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 318° bearing to a 340° bearing from the airport; within an 11.5-mile radius of the center of the airport extending clockwise from a 340° bearing to a 033° bearing from the airport; within 3.5 miles each side of the 130° bearing from the White Lake RBN (41°41'51" N., 74°47'48" W.) extending from the 8-mile and 7.5-mile radius areas to 8.5 miles southeast of the RBN; and within 4.5 miles each side of the Sullivan County International Airport ILS localizer northwest course, extending from the 6.5-mile, 8.5-mile and 11.5-mile radius areas to 11.5 miles northwest of the LOM (41°45'59" N., 74°51'39" W.).

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on September 12, 1973.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc.73–20875 Filed 10–1–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73–EA–81]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Sussex, N.J., Transition Area (38 FR 585).

A review of the terminal airspace requirements for Sussex, New Jersey, indicates a need to alter the transition area to conform to the criteria of the Terminal Instrument Procedures (TERPS).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn.: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before November 1, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Reigon.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Sussex, New Jersey, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Sussex, N.J. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 41°12'00" N., 74°37'00" W., of Sussex Airport, Sussex, N.J., extending clockwise from a 005° bearing to a 074° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 074° bearing to a 197° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 197° bearing to a 234° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 234° bearing to a 269° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 269° bearing to a 329° bearing from the airport; and within a 12-mile radius of the center of the airport, extending clockwise from a 329° bearing to a 005° bearing from the airport. This transition area is effective from sunrise to sunset, daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749 (49 U.S.C. 1348)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on September 13, 1973.

MARTIN J. WHITE,
Acting Director, Eastern Region.

[FR Doc.73–20876 Filed 10–1–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-EA-82]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the York, Pa., Transition Area (38 FR 604).

A review of the airspace requirements for York, Pennsylvania, indicates a need to alter the transition area to conform to the criteria of the Terminal Instrument Procedures (TERPS).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before November 1, 1973 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of York, Pennsylvania, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the York, Pa. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°55'09" N., 76°52'30" W., of the York Airport, York, Pa.; within a 7-mile radius of the center of the airport, extending clockwise from a 069° bearing to a 205° bearing from the airport; within an 8.5-mile radius of the center of the Airport, extending clockwise from a 205° bearing to a 244° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 244° bearing to a 271° bearing from the airport and within 3.5-miles each side of the 336° and 156° bearings from the Thomasville, Pa. RBN (39°-58'39" N., 76°54'35" W.), extending from the 5-mile radius area to 11.5 miles northwest of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on September 14, 1973.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc.73-20377 Filed 10-1-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-EA-83]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Pottstown, Pa., Transition Area (38 FR 561).

A review of the airspace requirements for Pottstown, Pennsylvania, indicates a need to alter the transition area to conform to the criteria of the Terminal Instrument Procedures (TERPS).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before November 1, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Pottstown, Pennsylvania, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Pottstown, Pa., transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°15'45" N., 75°40'00" W. of Pottstown Municipal Airport, Pottstown, Pa., extending clockwise from a 036° bearing to a 147° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 147° bearing to a 200° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 200° bearing to a 274° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 274° bearing to a 305° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 305° bearing to a 036° bearing from the airport; within 6.5 miles northeast and 4.5 miles southwest of the Pottstown, Pa. VORTAC 294° and 114° radials, extending from 5.5 miles northwest of the VORTAC to 11.5 miles southeast of the VORTAC; within a 5-mile radius of the center, 40°14'15" N., 75°33'45" W. of Pottstown-Limerick Airport, Pottstown, Pa. extending clockwise from a 346° bearing to a 223° bearing from the airport; within a 5.5 mile radius of the center of the airport, extending clockwise from a 223° bearing to a 346° bearing from the airport; and within 9.5 miles west and 4.5 miles east of Pottstown, Pa. VORTAC 190° radial, extending from the VORTAC to 18.5 miles south of the VORTAC; within 5 miles each side of the Pottstown, Pa. VORTAC 038° radial, extending from the Pottstown, Pa. VORTAC to 18 miles east of the VORTAC; excluding the portion that coincides with the North Philadelphia, Pa. and Toughkenamon, Pa. transition areas.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Jamaica, N.Y., on September 14, 1973.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc.73-20378 Filed 10-1-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-EA-86]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the St. Marys, Pa., Transition Area (38 FR 571).

A review of the airspace requirements for St. Marys, Pennsylvania, indicates a need to alter the transition area to conform to the Terminal Instrument Procedures (TERPS).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 14130. All communications received on or before November 1, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in

this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of St. Marys, Pennsylvania, proposes the airspace action hereinafter set forth:

1. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the St. Marys, Pa. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center 41°24'45" N., 78°30'20" W. of St. Marys Municipal Airport, St. Marys, Pa.; within 2.5 miles each side of the Slate Run, Pa. VORTAC 256° radial, extending from the 5.5-mile radius area to 22 miles west of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on September 17, 1973.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc.73-20879 Filed 10-1-73;8:45 am]

Federal Railroad Administration

[49 CFR Part 231]

[Docket No. SA-2]

LOCOMOTIVES USED IN SWITCHING SERVICE

Railroad Safety Appliance Standards

The Federal Railroad Administration (FRA) is considering an amendment to Part 231, Railroad Safety Appliance Standards, to prescribe safety appliance standards for locomotives engaged in switching service.

The proposed amendment would require all locomotives (except steam) used in switching service which are built after December 31, 1973 to be equipped with switching steps, vertical handholds and uncoupling mechanisms which meet prescribed specifications. Locomotives built before January 1, 1974 would be required to be retrofitted with the prescribed safety appliances by January 1, 1977. Rather than prescribe a specific schedule for meeting the retrofit deadline, the proposed amendment provides for railroads to submit their retrofit programs to FRA for approval. FRA believes that individual railroads are in a better position to develop a retrofit schedule tailored to fit their particular situation.

Switching service would be defined as classification of cars according to commodity and destination; the assembling of cars for train movements; changing the position of cars for purposes of loading, unloading, and weighing; the placing of locomotives and cars for repair and storage; and the moving of rail equipment in connection with work service not constituting a road movement.

In addition, the proposed amendment would prohibit end footboards and pilot steps on switching service locomotives (except steam) because switching steps will serve the same purpose and provide more safety for railroad employees. Steam locomotives used in switching service would continue to be required to be equipped with safety appliances prescribed in § 231.16.

The cost of compliance with the proposed requirements on new locomotives and in most cases on existing locomotives, is believed to be reasonable in light of the benefit of improved safety for railroad employees engaged in switching operations. However, the design of some locomotives may be such that extensive modifications would be required to bring them into compliance with the proposed standards. In such a case a railroad may petition the FRA for an exemption as provided in Part 211 of Title 49 of the Code of Federal Regulations.

Interested persons are invited to participate in the making of these standards by submitting written data, views, or comments. Communications should identify the regulatory docket number, and should be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before October 31, 1973 will be considered by the Federal Railroad Administrator before taking final action on the proposed rules. All comments received will be available for examination by interested persons at any time during the regular working hours in Room 5100, Nassif Building, 400 Seventh Street SW., Washington, D.C. The proposals contained in this notice may be changed in light of comments received.

In addition, the FRA will conduct a public hearing at 10:00 a.m. on November 1, 1973, in Room 6202, 400 Seventh Street SW., Washington, D.C.

The hearing will be an informal one, not a judicial or evidentiary type of hearing. There will be no cross-examination of persons making statements. A staff member of the FRA will make an opening statement outlining the matter set for hearing. Interested persons will then have an opportunity to present their oral statements. At the completion of all initial oral statements, those persons who wish to make rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures for conducting the hearing will be announced at the hearing.

Interested persons may present oral or written statements at the hearing. All statements will be made a part of the record of the hearing and be a matter of public record. Any person who wishes to make an oral statement at the hearing should notify the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, before October 31, 1973, stating the amount of time required for his initial statement.

This notice is issued under the authority of the Safety Appliance Acts (secs. 2, 4 and 6, 27 Stat. 531, as amended, secs. 1 and 3, 32 Stat. 943, as amended, secs. 1-6, 36 Stat. 298-299, as amended, sec. 6 (c) and (f), 80 Stat. 939; (45 U.S.C. 2, 4, 6, 8, 10, 11-16, 49 U.S.C. 1655)).

Issued in Washington, D.C., on September 26, 1973.

JOHN W. INGRAM,
Administrator.

I. It is proposed to amend Part 231 by adding a new § 231.30 as follows:

§ 231.30 Locomotives used in switching service.

(a) *General requirement.* (1) Each locomotive (except steam) used in switching service which is built after December 31, 1973 must be equipped as provided in this section.

(2) After December 31, 1976, each locomotive (except steam) used in switching service, which was built before January 1, 1974, must be equipped as provided in ths section.

(3) Each steam locomotive used in switching service must be equipped as is provided in § 231.16.

(4) Before (90 days after effective date) each railroad that is in operation on (the effective date) and has in service locomotives to which this section applies shall submit to the Federal Railroad Administrator for approval three copies of a program to bring all those locomotives (except steam) into compliance wth this section by January 1, 1977. Each railroad that commences operations after (the effective date) shall submit three copies of such a program to the Federal Railroad Administrator for approval at least 90 days prior to the date on which it commences operations.

(b) *Definitions.* (1) Switching service means the classification of cars according to commodity and destination; the assembling of cars for train movements; changing the position of cars for purposes of loading, unloading, and weighing; the placing of locomotives and cars for repair and storage; and the moving of rail equipment in connection with work service not constituting a road movement.

(2) The safety tread surface is that porton of nonskid surface of a switching step that actually contacts shoe or boot.

(3) The uncoupling mechanism is the arrangement for operating the coupler lock lift, including the uncoupling lever and all other appurtenances that facilitate operation of the coupler.

(c) *Switching steps*—(1) *Number.* Each locomotive used in switching service must have four (4) switching steps.

(2) *Dimensions.* Each switching step must have—

(i) A minimum width of twenty-four (24) inches.

(ii) A minimum depth of tread of ten (10) inches.

(iii) A minimum height of back stop or four (4) inches above the tread surface.

(iv) A height of not more than fifteen (15) inches or less than twelve (12) inches measured from the top of the rail to the top of the tread surface.

(3) *Location.* Switching steps must be located at each corner of locomotives used in switching service. The bottom step of the stairways at these locations may also serve as a switching step provided it meets all the requirements of this section.

(4) *Manner of application.* (i) Switching steps must be supported by a bracket at each end and fastened to the bracket by two bolts of at least once half (½) inch diameter or by a weldment of at least twice the strength of a bolted attachment.

(ii) Vertical clearance over the full depth of the tread surface of the switching step must be unobstructed and free for use for a lateral distance of not less than seven (7) feet.

(5) *Material.* (i) Steel antiskid, safety design, having not less than fifty percent (50%) of the tread surface as open space.

(ii) When the step material creates a second level safety tread surface, the maximum difference in surface levels may not exceed three-eighths (⅜) of an inch.

(iii) The safety tread surface shall be not more than one-half (½) inch from the edge of the step.

(d) *End footboards and pilot steps prohibited.* (1) Each locomotive (except steam) used in switching service which is built after December 31, 1973 may not be equipped with end footboards and pilot steps.

(2) After December 31, 1976, each locomotive (except steam) used in switching service which was built before January 1, 1974, may not be equipped with end footboards and pilot steps.

(e) *Vertical handholds.* Each switching step must be provided with two (2) vertical handholds or handrails. Each handhold or handrail must have not less than four (4) inches or clear, usable hand clearance beginning not less than twenty-four (24) nor more than thirty (30) inches above the tread surface, and extending upward a distance of not less than thirty-six (36) inches.

(f) *Uncoupling mechanisms.* Each locomotive (except steam) used in switching service must have means for operating the uncoupling mechanism in safety from switching step, ground level, and end platform. No part of the uncoupling mechanism may extend into the switching step or stairway opening or into the end platform area when the mechanism is in its normal position or when it is operated.

[FR Doc.73-20892 Filed 10-1-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 73-16; Notice 3]

SEAT BELT ASSEMBLIES

Reduction in Lap Belt Retractor Force

The purpose of this notice is to propose an amendment to S4.3(j)(4) of Motor Vehicle Safety Standard No. 209, Seat Belt Assemblies, that will reduce the minimum retraction force required of emergency locking seat belt retractors attached to lap belts from 1.5 pounds to 0.6 pound.

The reduction in force is being proposed in response to a suggestion by Toyo Kogyo, to the effect that the 1.5-pound force requirement will often prove excessive for occupant comfort. Upon consideration of Toyo Kogyo's comment, the agency has tentatively concluded that the minimum force level for an emergency locking retractor attached only to a lap belt should be the same as the minimum force level of 0.6 pound specified in S4.3(i) for an automatic locking retractor.

It should be noted that the minimum retraction force requirement has only recently been numbered as S4.3(j)(4). The requirement had formerly been numbered S4.3(j)(iii) and was renumbered as S4.3(j)(4) by an amendment published August 28, 1973 (Docket 73-16, Notice 2, 38 FR 22958).

Accordingly, it is proposed that S4.3(j)(4) be amended to read as follows:

S4.3 *Requirements for hardware.*

* * * * *

(j) * * *

(4) Shall exert a retractive force of at least 0.6 pound under zero acceleration when attached only to the pelvic restraint.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: November 2, 1973.

Proposed effective date: Date of publication.

(Secs. 103, 119 Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on September 25, 1973.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.73-20909 Filed 10-1-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19828; FCC 73-931]

FM BROADCAST STATIONS IN LEXINGTON, MO.

Proposed Table of Assignments

In the matter of amendment of § 73.202(b), FM Broadcast Stations. (Lexington, Missouri), Docket No. 19828, RM-1910.

1. The Commission has under consideration the above-captioned petition for rule making filed by KLEX, Incorporated (KLEX), the licensee of Stations KLEX-FM and daytime-only KLEX(AM) in Lexington, Missouri. This proposal requests substitution of Class C Channel 293 for Channel 292A at Lexington. Channel 292A is currently occupied in that community by KLEX. Lexington, with a population of 5,388 persons, is the seat of Lafayette County (population 26,626) and is located approximately 35 miles east of Kansas City, Missouri.[1] Petitioner's AM-FM combination represents the only local broadcast service in Lexington.

2. In support of its request, KLEX notes that Lexington has three manufacturing plants employing 350 persons, a hospital, three public schools, a junior college, a public library and three banks. Petitioner contends that a Class C channel situated in Lexington would provide a fulltime service to Lafayette County and adjacent Ray County (population 17,599). The combined area of these two counties encompasses 1,176 square miles. Petitioner also cites, as evidence of future growth patterns, state population projections which indicate that the population of Lafayette and Ray Counties will increase to 41,701 and 26,523 respectively by 1975. KLEX believes that increased industry and better highways from the Kansas City area have significantly contributed to this population increase.

3. KLEX advances, as its rationale for the proposed substitution of Class C Channel 293 for Channel 292A, the argument that the hilly terrain has caused gaps in its coverage area. Further, petitioner notes that automobile FM reception is spotty in this type of terrain.

[1] All population figures cited are from the 1970 U.S. Census.

KLEX asserts that these coverage problems would be eliminated if it could change to a Class C channel and that such an operation would enable Station KLEX-FM to better meet the anticipated future needs of the two counties.

4. Petitioner's engineering statement determines that Channel 293 can be substituted for Channel 292A at Lexington with no other changes in the FM Table of Assignments and would not preclude the use of FM channels in large cities which do not already have local assignments. KLEX consents to modification of its FM operation from Channel 292A to Channel 293 and states that therefore a show cause order is unnecessary.

5. The Commission, in a letter to KLEX requested it to submit a coverage showing with respect to unserved and underserved areas based on assumptions of reasonable facilities [2] and a comparison of coverage with an assumed maximum Class A facility at Lexington. The Commission requested this showing because the petition was for a Class C channel to a community which ordinarily would only be assigned a Class A channel. Petitioner's response to the Commission's letter indicates that a maximum Class A facility (3 kW, 300 ft.) at Lexington would serve 26,419 persons in 661 square miles, while a Class C facility (50 kW, 500 ft.) would serve 211,140 persons in 3,421 square miles within the respective 1 mV/m contours. Currently KLEX-FM (3 kW, 205 feet) serves 22,529 people in 453 square miles within its 1 mv/m contour. The KLEX showing also indicates that the proposed KLEX-FM operation (50 kW, 500 feet) would provide a first FM service to 1,010 persons in a 19-square-mile area, a second FM service to 9,280 persons in a 271-square-mile area and a third FM service to 28,417 persons in a 1,076-square-mile area based on the assumed facilities that were prescribed in the Commission's letter.

6. According to KLEX data, assignment of Channel 293 to Lexington would preclude future assignments on four channels. However, only the preclusion areas for adjacent Channels 292A and 294 contain communities which would warrant assignments; the preclusion areas for the other two channels contain communities each of which has an assignment and does not warrant an additional assignment. Located in the Channel 292A preclusion area are Butler (pop. 3,984), Macon (pop. 5,301), Bethany (pop. 2,914), and Savannah (pop. 3,324), all in Missouri, and Lamoni, Iowa (pop. 2,540), where Channel 292A could be assigned if Channel 293 was not assigned to Lexington. Butler and Macon have daytime-only AM operations, but the other three communities have no aural broadcast services. In the Channel 294 preclusion area, one community, Osceola, Iowa (pop. 31,124), has no aural broadcast station. Thus the petitioner should indicate whether they are any other FM channels available for assignment to the above listed communities.

7. Based on these considerations we believe that KLEX has made a sufficient public interest showing to warrant exploring the possibility of substituting Class C Channel 293 for Channel 292A at Lexington, Missouri. Accordingly, we propose the following revision in our FM Table of Assignments (§ 73.202(b) of our rules) with respect to the city listed below:

City	Channel No.	
	Present	Proposed
Lexington, Mo.	292A	293

8. Authority for the action proposed herein is contained in sections 4(i), 303, 307(b) and 316 of the Communications Act of 1934, as amended.

9. *Showings required.* Comments are invited on the proposal discussed above. Proponent will be expected to answer whatever questions are raised in the Notice and other questions that may be presented in initial comments. The proponent of the proposed assignment is expected to file comments even if he only resubmits or incorporates by reference his former pleading. He should also restate his present intention to apply for the channel if it is assigned and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

10. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

11. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before November 2, 1973, and reply comments on or before November 12, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

12. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

13. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street, NW.).

Adopted: September 19, 1973.

Released: September 24, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[3]
VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-20916 Filed 10-1-73;8:45 am]

[2] The Commission set forth in the letter the specific criteria which were first enunciated in FM Table of Assignments—Roanoke Rapids and Goldsboro, North Carolina, 9 F.C.C. 2d 672 (1967).

[3] Commissioner Robert E. Lee absent.

POSTAL SERVICE

[39 CFR Part 132]

SECOND CLASS PUBLICATIONS

Proposed Limitation of Size of Coupons or Application or Order Forms

The Postal Service proposes to remove restrictions contained in § 132.4(g)(3)(v) of 39 CFR Part 132 which limit the size of coupons or application or order forms contained in second-class publications to not more than one-half the page, and to allow the inclusion in second-class publications of pages, all or portions of which are coupons or application or order forms. In order to assure that pages prepared in this manner are an integral part of the publication, the proposed regulation requires that the pages bear the name and date of the publication. The Postal Service also proposes as a conforming change the deletion of § 132.4(h)(2), which deals with the size of coupon-bearing pages.

The Postal Service also proposes the codification, in a new § 132.4(g)(3)(vi) of 39 CFR Part 132, of the existing administrative practice which permits coupons or application or order forms, called "tip-ons", to be permanently attached to the pages of a publication. In order to protect the integrity of second class and to prevent the insertion of unrelated tip-ons in a second-class publication, the proposed regulation requires that a coupon or application or order form must directly relate to the advertising or editorial material printed on the page to which it is permanently attached. The proposed regulation also requires that tip-ons bear the name and date of the publication.

Interested persons who wish to do so may submit written data, views, or arguments concerning the proposed regulations to the Manager, Mail Classification Division, Finance Department, U.S. Postal Service, Washington, D.C. 20260, at any time before November 1, 1973.

Accordingly, complying voluntarily with the advance notice requirement of the Administrative Procedure Act (5 U.S.C. § 553(b), (c)) regarding proposed rule making, the Postal Service proposes the following amendments:

1. In 39 CFR Part 132, paragraph (9)(3)(v) of § 132.4 is revised, and a new paragraph (g)(3)(vi) is added to read as follows:

§ 132.4 What may be mailed at the second-class rates.

* * * * *

(g) Enclosures, additions, and novelty pages * * *

(3) * * *

(v) Pages, all or portions of which are printed coupons, or printed application or order forms. Such pages must bear the name of the publication and the date of issue to preclude being considered enclosures prohibited by § 132.4(g) (1).

(vi) Pages having printed coupons, or printed application or order forms permanently attached. Such coupons, or application or order forms must directly relate to adveristing or editorial material printed on the page to which they are permanently attached, and must bear the name of the publication and the date of issue.

2. In 39 CFR Part 132, subparagraph (2) of § 132.4(h) is revoked and subparagraphs (3) through (7) are renumbered accordingly.

(39 U.S.C. §§ 401, 3621)

ROGER P. CRAIG,
Deputy General Counsel.

SEPTEMBER 28, 1973.

[FR Doc.73-20943 Filed 10-1-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-70]

GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

Notice of Meeting

The Government Advisory Committee on International Book and Library Programs will meet in open session in Room 6320 in the Department of State, 2201 C Street NW., Washington, D.C., from 9:30 a.m. to 4:30 p.m. on October 25, 1973, and from 9:00 a.m. to noon on October 26, 1973.

The Committee will discuss book procurement policies, the role and type of learning materials needed in nonformal education in developing countries, and UNESCO's book promotion efforts.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting must advise the Executive Secretary by telephone in advance of the meeting. Telephone: 632-2841.

Dated September 20, 1973.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.73-20884 Filed 10-1-73;8:45 am]

DEPARTMENT OF THE TREASURY

United States Customs Service

[T.D. 73-269]

JOS. JURISICH TRANSFER & STORAGE, INC.

Revocation of Customhouse Cartman's License No. 20 Issued at Port of New Orleans

SEPTEMBER 21, 1973.

Notice is hereby given that on September 21, 1973, pursuant to the provisions of section 565, Tariff Act of 1930, as amended, and § 112.30, Customs Regulations, it was decided that customhouse cartman's license No. 20 issued at the Port of New Orleans on March 18, 1963, to Jos. Jurisich Transfer & Storage, Inc., New Orleans, be revoked. This revocation is effective on September 30, 1973.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.73-20910 Filed 10-1-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

COASTAL ENGINEERING RESEARCH BOARD

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Coastal Engineering Research Board on October 9-11, 1973.

The meeting will be held at the Pick-Congress Hotel, Chicago, Illinois, from 0830 hours to 1200 hours on October 9, 1973, and at the Red Lantern Inn, Beverly Shores, Indiana, from 0800 hours to 1200 hours on October 10, 1973.

The October 9 session will be devoted to technical discussions on Corps of Engineers projects on the Great Lakes and strategies for preventing damages to Great Lakes shorelands.

The October 10 session will be devoted to technical discussions on Great Lakes research and case studies of erosion and harbor sedimentation problems.

The sessions will be open to the public subject to the following limitations:

1. Seating capacity of the meeting room at the Pick-Congress Hotel limits public attendance to not more than 20 people. Seating capacity of the meeting room at the Red Lantern Inn limits public attendance to not more than 25 people. Advance notice of intent to attend is requested in order to assure adequate and appropriate arrangements.

2. Written statements may be submitted prior to, or up to 30 days following the meeting, but oral participation by the public is precluded because of the time schedule.

3. Persons planning to attend both sessions must furnish their own transportation.

The October 11 session will be closed to the public. The Board will be discussing budgetary and contractual matters, including funds proposed to be made available for proposed contractual studies which are subjects that fall within policies analogous to those recognized in section 552(b) of title 5 U.S.C. and as such are exempt from public disclosure.

Inquiries and notices to attend may be addressed to Colonel James L. Trayers, Commander and Director, U.S. Army Coastal Engineering Research Center, Kingman Building, Fort Belvoir, Virginia 22060; telephone 202-325-7000.

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

SEPTEMBER 24, 1973.

[FR Doc.73-20834 Filed 10-1-73;8:45 am]

WINTER NAVIGATION BOARD ON GREAT LAKES AND ST. LAWRENCE SEAWAY

Notice of Advisory Committee Meeting

1. Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given of a meeting of the Winter Navigation Board at Rosemont (O'Hare), Illinois on October 12, 1973. The meeting to be held at the Flying Carpet Motor Inn will be in session from 9:30 a.m. c.d.s.t. until 5:30 p.m. The meeting will be open to the public. The purpose of the meeting is to consider and approve the FY 1974 program of activities, consistent with the FY 1974 appropriation as passed by Congress and approved by the Administration, and to consider the proposed plan of improvement for extending the navigation season on the four upper Great Lakes. The agenda will include discussion of economic analysis and the draft environmental impact statement for both the demonstration activities and the interim survey report.

2. The Winter Navigation Board is a multiagency organization which includes representatives of Federal agencies and non-Federal public and private interests. It was established to direct the Great Lakes and St. Lawrence Seaway Navigation Season Extension Demonstration Program being conducted pursuant to Pub. L. 91-611.

3. Inquiries may be addressed to Mr. C. Argiroff, Department of the Army, Detroit District, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231, telephone 313-226-6768.

For The Adjutant General.

SEPTEMBER 24, 1973.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.73-20833 Filed 10-1-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 594]

COLORADO

Notice of Filing of Plat of Survey

SEPTEMBER 25, 1973.

1. The plat of survey of an omitted island in the Colorado River, described below, accepted July 11, 1973, will be officially filed in the Colorado State Office, Bureau of Land Management, effective at 10:00 a.m., November 12, 1973.

UTE MERIDIAN

T. 1 S., R. 1 W.,
Sec. 23, Lot 10 (3.88 acres).

2. This island is within the flood plain of the Colorado River. Plans are to classify it under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869-4) (43 CFR

Part 2740). This classification limits entry to mineral leasing and application under the R&PP Act.

3. All inquiries relating to this island should be sent to Chief, Public Affairs, Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, Denver, Colorado 80202.

GEORGE C. HINTON,
Chief, Public Affairs.

[FR Doc.73-20895 Filed 10-1-73;8:45 am]

OUTER CONTINENTAL SHELF OFF LOUISIANA

Call for Nominations of Areas for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR 3301.3 (1972), nominations of areas in the Outer Continental Shelf offshore Louisiana are hereby requested for possible oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343 (1970)). Nominations will be considered for any or all of the following mapped areas offshore Louisiana.

1. All that area shown on Outer Continental Shelf—Louisiana Leasing Maps No. 1 through 11A (set of 26 maps).

2. All that area on Outer Continental Shelf Leasing Map NG 15–2 (Garden Banks) landward of the 600 meter depth contour and east of the west boundary of the East 97 range of blocks (approximately longitude 93° 22.2 minutes west).

3. All that area on Outer Continental Shelf leasing maps NH 15–12 (New Orleans), NG 15–3 (New Orleans South No. 1), and NH 16–10 (Mobile South No. 2) landward of the 600 meter depth contour.

4. All that area on Outer Continental Shelf Leasing Map NH 16–7 (Mobile South) lying south of Outer Continental Shelf—Louisiana leasing map No. 10A and landward of the 600 meter depth contour. Outer Continental Shelf—Louisiana leasing maps 1 through 11A (set of 26) may be purchased for $5.00, and maps NH 15–2 through NH 16–7 enumerated above may be purchased for $1.00 each. Maps may be purchased from the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Suite 3200, The Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113, or the Director, Eastern States Office, 7981 Eastern Avenue, Silver Spring, Maryland 20910. All nominations must be described in accordance with the Outer Continental Shelf Leasing Maps prepared by the Bureau of Land Management, Department of the Interior, and referred to above. Only whole blocks or properly described sub-divisions thereof, not less than one-quarter of a block may be nominated.

Nominations must be submitted not later than November 30, 1973, in envelopes marked "Nominations of Tracts for Leasing in the Outer Continental Shelf—Louisiana." The nominations must be submitted to the Director, (Attention: 390), Bureau of Land Management, Washington, D.C. 20240. Copies of nominations must be sent to the Area Oil and Gas Supervisor, Geological Survey, Suite 336, Imperial Office Building, 3301 North Causeway Boulevard, Metairie, Louisiana 70002 and to the Manager, New Orleans Outer Continental Shelf Office at his address cited above.

Tracts will be selected for competitive bidding pursuant to established Departmental procedures and only after compliance with all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347 (1970)). Notice of any tracts selected for competitive bidding will be published in the FEDERAL REGISTER stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

Nothing contained in this call for nominations should be interpreted as being inconsistent with the President's Oceans Policy Statement of May 23, 1970, relating to offshore development beyond the 200 meter depth contour. Leases ultimately issued beyond the 200 meter depth contour will be subject to an international regime if such a regime is finally established.

Dated September 27, 1973.

GEORGE L. TURCOTT,
Associate Director,
Bureau of Land Management.

Approved September 27, 1973.

W. R. WILSON,
Acting Deputy Assistant
Secretary of the Interior.

[FR Doc.73-20941 Filed 10-1-73;8:45 am]

Geological Survey

COMMITTEE ON MINORITY PARTICIPATION IN EARTH SCIENCE AND MINERAL ENGINEERING

Notice of Public Meeting

Pursuant to Pub. L. 92-463, effective January 5, 1973, notice is hereby given that an open meeting of the Committee on Minority Participation in Earth Science and Mineral Engineering will be held at 8:30 a.m. (local time), October 12, 1973, in Room 2402, Building 25, Denver Federal Center, Denver, Colorado 80225.

The Committee will review the programs and plans of the four bureaus of the Department of the Interior (Geological Survey, Bureau of Land Management, Bureau of Mines, and Bureau of Reclamation) which employ earth scientists and mineral engineers for the purpose of assessing progress in attracting minority group members and women to the pursuit of professional and technical careers in the various fields of earth science and mineral engineering.

On the basis of the Committee's assessment, it will recommend to the four bureaus and Departmental officials such programs and procedures it deems desirable and feasible for encouraging minority group members and women to undertake the requisite academic studies and obtain the necessary experience to qualify for professional and technical positions in the fields of earth science and mineral engineering.

Persons wishing to attend the meeting or desiring more detailed information about the meeting should contact William Thurston, Special Assistant, Office of the Director, Geological Survey, Washington, D.C. 20244, phone: 202–343–3437.

V. E. MCKELVEY,
Director, Geological Survey.

[FR Doc.73-20903 Filed 10-1-73;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES[1]

List of Additions, Deletions and Corrections

By notice in the FEDERAL REGISTER of February 28, 1973, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 6 (pp. 6084–6086), April 10 (pp. 9095–9097), May 1 (pp. 10745–10748), June 5 (pp. 14770–14777), July 3 (pp. 17744–17749), August 7 (pp. 21278–21284), and September 4 (pp. 23803–23811). Further notice is given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following are corrections to previous listings in the FEDERAL REGISTER:

Georgia

Liberty County

Riceboro vicinty, *Woodmanston Site (LeConte Plantation)*, S of Riceboro.

Louisiana

Caddo Parish

Shreveport, *Lindsay, Colonel Robert H., House (Symphony House)*, 2803 Woodlawn Avenue.

Maryland

Baltimore (independent city)

Federal Hill Historic District, bounded on the N by Hughes Street, on the W by Hanover, on the S by Cross, and on the E by Piers.

Massachusetts

Suffolk County

Boston, *Blackstone Block Historic District*, bounded by Union, Hanover, Blackstone and North streets.

[1] This document originally appeared on page 22618 of the issue of Monday, September 24, 1973, and is republished without change for the convenience of subscribers.

Pennsylvania

Union County

New Berlin, *New Berlin Presbyterian Church (Community Center)*, Vine and High Streets.

South Carolina

Charleston County

Mount Pleasant, *Mount Pleasant Historic District.*

The following properties have been demolished and removed from the National Register:

North Carolina

Richmond County

Rockingham, *Great Falls Mill*, W. Washington and Broad Avenue.

Tennessee

White County

Sparta vicinity, *Lincoln, Jesse, House*, W. of Sparta on Tenn. 26.

The following properties have been added to the National Register since September 4:

Alabama

Covington County

Opp, *Shepard, William T., House*, Poley Road (8-14-73).

Mobile County

Dauphin Island, *Indian Mound Park* (8-14-73.)

Mobile, *Spring Hill College Quadrangle*, 4307 Old Shell Road (8-17-73).

Montgomery County

Montgomery vicinity, *Muklassa*, NE. of Montgomery (8-28-73).

California

Alameda County

Oakland, *Paramount Theatre*, 2025 Broadway (8-14-73).

Butte County

Chico vicinity, *Mud Creek Canyon*, N. of Chico (8-14-73).

San Bernardino County

Needles vicinity, *Piute Pass Archeological District*, NW. of Needles (8-14-73).

San Mateo County

Portola Valley, *Casa de Tableta*, 3915 Alpine Road (8-14-73).

Colorado

Clear Creek County

Georgetown, *Grace Episcopal Church*, Taos Street (between 4th and 5th Streets) (8-14-73).

El Paso County

Colorado Springs, *McAllister House*, 423 N. Cascade Avenue (8-14-73).

Delaware

New Castle County

Smyrna vicinity, *Old Brick Store*, NE of Smyrna off U.S. 13 (8-14-73).

District of Columbia

Commandant's Office, Washington Navy Yard, Montgomery Square and Dahlgren Avenue (8-14-73).

Law, Thomas, House, 1252 6th Street, S.W. (8-14-73).

Main Gate, Washington Navy Yard, 8th and M streets, S.E. (8-14-73).

Phillips, Duncan, House, (The Phillips Collection) 1600-1614 21st Street, N.W. (8-14-73).

Quarters A, Washington Navy Yard, E of the Main Gate and S of M Street, S.E. (8-14-73).

Quarters B, Washington Navy Yard, Charles Morris Avenue (8-14-73).

Tucker House and Myers House, 2310-2320 S Street, N.W. (8-14-73).

Florida

Dade County

Florida City, *Florida Pioneer Museum*, 0.5 mile S of Lucy Street on S.R. 27 (Krome Avenue) (8-14-73).

Palm Beach County

Palm Beach, *Breakers Hotel Complex*, South County Road (8-14-73).

Putnam County

Crescent City, *Hubbard House*, 600 N. Park Street (8-14-73).

Volusia County

Port Orange vicinity, *Dunlawton Plantation-Sugar Mill Ruins*, W of Port Orange off Nova Road (8-28-73).

Georgia

Bibb County

Macon, *Baber, Ambrose, House*, 577-587 Walnut Street (8-14-73).

Hall County

Buford vicinity, *Bowman-Pirkle House*, NE of Buford off U.S. 23 on Friendship Road (8-14-73).

Walton County

Monroe, *Davis-Edwards House*, 238 N. Broad Street (8-14-73).

Hawaii

Honolulu County

Honolulu, *U.S. Immigration Office*, 505 Ala Moana Boulevard (8-14-73).

Kahuku vicinity, *Burial Platform*, NW of Kahuku off Kamehameha Highway (8-14-73).

Waimanalo vicinity, *Bellows Field Archeological Area*, SE of Waimanalo (8-14-73).

Illinois

Cook County

Chicago, *Dewes, Francis J., House*, 503 W. Wrightwood (8-14-73).

Chicago, *Marquette Building*, 140 S. Dearborn Street (8-17-73).

Chicago, *Halsted, Ann, House*, 440 Belden (8-17-73).

Glenview, *Kennicott's Grove*, near Milwaukee and Lake Avenues (8-13-73).

Oak Park, *Gale, Walter, House*, 1031 W. Chicago Avenue (8-17-73).

Kane County

Carpentersville, *Library Hall*, 21 N. Washington Street (8-14-73).

White County

Carmi, *Robinson-Stewart House*, 110 S. Main Cross Street (8-17-73).

Indiana

DeKalb County

Auburn vicinity, *Cornell, William, Homestead*, SW of Auburn off Ind. 427, on Cedar Chapel Road (CR 68) (8-14-73).

Harrison County

Corydon, *Corydon Historic District* (8-28-73).

St. Joseph County

Mishawaka, *Beiger House*, 317 Lincolnway East (8-28-73).

South Bend, *Oliver, Joseph D., Residence*, 808 W. Washington Avenue (8-28-73).

Iowa

Johnson County

Iowa City, *First Presbyterian Church*, 26 E. Market Street (8-28-73).

Louisa County

Columbus Junction, *Community Building*, 122 E. Maple Street (8-14-73).

Union County

Creston, *Creston Railroad Depot*, 200 W. Adams Street (8-15-73).

Washington County

Washington, *Young Alexander, Cabin*, W. Madison Street between G and H avenues (8-14-73).

Kansas

Marion County

Florence, *Harvey House*, 204 W. 3rd Street (8-14-73).

Kentucky

Jefferson County

Louisville, *Christ Church Cathedral*, 421 S. 2nd Street (8-14-73).

Louisville, *Louisville Board of Trade Building*, 301 W. Main Street (8-14-73).

Louisiana

Natchitoches Parish

Natchitoches vicinity, *Cherokee Plantation*, SE. of Natchitoches on Cane River Road (8-14-73).

Rapides Parish

Pineville vicinity, *Old SLU Site*, N of Pineville at 2500 Shreveport Highway in Kisatchel National Forest (8-14-73).

Maine

Aroostook County

New Sweden vicinity, *Timmerhuset*, W of New Sweden on Me. 161 (8-23-73).

Cumberland County

Portland vicinity, *Fort Gorges*, E of Portland on Hog Island, Portland Harbor (8-28-73).

Franklin County

Farmington, *Free Will Baptist Meetinghouse*, Main Street (8-28-73).

Kennebec County

Monmouth, *Cumston Hall*, Main Street (8-14-73).

York County

Kittery Point, *Pepperrell, William, House*, Pepperrell Cove on Me. 103 (8-14-73).

Maryland

Baltimore County

Pikesville vicinity, *Sudbrook Park*, S of Pikesville off U.S. 140 on Greenwood Road (6-19-73).

Carroll County

Uniontown, *Uniontown Academy*, W side of Uniontown Road (8-14-73).

Harford County

Berkley vicinity, *Rigbie House*, SE of Berkley off Md. 623 (8-14-73).

Churchville vicinity, *Medical Hall Historic District*, W of Churchville off Md. 154 (8-28-73).

Somerset County

Manokin vicinity, *Sudler's Conclusion*, NW of Manokin off Md. 361 (8-28-73).

Massachusetts

Barnstable County

Hyannis Port, **Kennedy Compound*, Irving and Marchant avenues (11-28-72).

Berkshire County

Pittsfield vicinity, *South Mountain Concert Hall*, S of Pittsfield off U.S. 7/20 on New South Mountain Road (8-14-73).

Essex County

Salem, *Chestnut Street District*, bounded roughly by Broad, Flint, Federal, and Summer streets (8-28-73).

Middlesex County

Billerica, *Billerica Town Common District*, bounded by Cummings Street, and Concord and Boston roads (8-14-73).
Billerica, *Sabbath Day House*, 20 Andover Road (8-14-73).

Suffolk County

Boston, *Back Bay Historic District*, (8-14-73).
Chelsea, *Naval Hospital Boston*, 1 Broadway (8-14-73).

Michigan

Missaukee County

Boven Earthwork, Southwestern Missaukee County (8-14-73).

Ottawa County

Battle Point Site, Northwest Ottawa County (8-14-73).

Minnesota

Cass County

Pillager vicinity, *Rice Lake Hut Rings*, N of Pillager (8-14-73).

Crow Wing County

Trommald vicinity, *Fort Flatmouth Mound Group*, SE of Cass Lake (8-14-73).

Morrison County

Little Falls vicinity, *Belle Prairie Village Site*, N of Little Falls (8-14-73).

Mississippi

Claiborne County

Russum vicinity, *Centers Creek Mound*, N of Russum (8-14-73).

Marshall County

Abbeville vicinity, *Civil War Earthworks at Tallahatchie Crossing*, off Miss. 7 (8-14-73).

Washington County

Foote vicinity, *Mount Holly*, NW of Foote off Miss. 1 (8-14-73).
Greenville vicinity, *Winterville Site*, N of Greenville (8-17-73).

Nebraska

Cheyenne County

Potter vicinity, *West Stevens Site*, E of Potter (8-28-73).

Colfax County

Schuyler vicinity, *Schuyler Site*, (8-14-73).

Dakota County

Homer vicinity, *Homer Site*, NE of Homer (8-14-73).

Douglas County

Omaha, *Barton, Guy C., House*, 3522 Farnam Street (8-14-73).

Gage County

Blue Springs vicinity, *Blue Springs Site* (8-14-73).

Nance County

Genoa vicinity, *Wright Site* (8-14-73).

Polk County

Osceola vicinity, *Clarks Site* (8-14-73).

Sarpy County

Papillion vicinity, *Kurz Omaha Village* (8-14-73).

Saunders County

Cedar Bluffs vicinity, *Pahuk* (8-14-73).

Sioux County

Crawford vicinity, *Hudson-Meng Bison Kill Site*, in Nebraska National Forest (8-28-73).

New Jersey

Hudson County

Jersey City, *Old Bergen Church*, Bergen and Highland Avenues (8-14-73).

New Mexico

Mora County

Mora, *St. Vrain's Mill*, on N. Mex. 38 (8-28-73).

Quay County

Tucumcari, *Baca-Goodman House*, corner of Aber and 3rd Streets (8-14-73).

Santa Fe County

Santa Cruz, *La Iglesia de Santa Cruz and the site of the Plaza of Santa Cruz de la Canada* (8-17-73).

New York

Montgomery County

Fonda vicinity, *Caughnawaga Indian Village Site*, W. of Fonda (8-28-73).

New York County

New York, *Haughwout, E. V., Building*, 488-492 Broadway (8-28-73).

Oneida County

Boonville, *Erwin Library and Pratt House*, 104 and 106 Schuyler Street (8-14-73).

Orange County

Fort Montgomery vicinity, *Fort Montgomery Site*, S. of Fort Montgomery (8-14-73).

Richmond County

New York, *New Dorp Light*, Altamont Avenue, Staten Island (8-28-73).

Rockland County

Garnerville, *Garner, Henry, Mansion*, 18 Railroad Avenue (8-14-73).

Wayne County

Lyons, *Broad Street-Water Street Historic District* (8-14-73).

North Carolina

Caswell County

Locust Hill vicinity, *Moore House (Stamp's Quarter)*, E. of Locust Hill off U.S. 158 (8-28-73).

Catawba County

Newton vicinity, *Rudisill-Wilson House*, S.W. of Newton off N.C. 10 (8-14-73).

Craven County

New Bern, *Gull Harbor*, 514 E. Front Street (8-14-73).

Cumberland County

Fayetteville, *Liberty Row*, 101-143 Person Street (8-14-73).

Moore County

Pinehurst, *Pinehurst Historic District* (8-14-73).

Ohio

Franklin County

Westerville, *Hart, Gideon, House*, 7328 Hempstead Road (8-14-73).

Hancock County

Findlay, *Hull, Jasper G., House*, 422 W. Sandusky Street (8-14-73).

Lake County

Painesville, *Seeley, Uri, House*, 969 Riverside Drive (8-14-73).
Painesville, *Sessions House (Tuscan House)*, 157 Mentor Avenue (8-14-73).
Unionville, *Connecticut Land Company Office*, 7071 E. Main Street (8-14-73).

Lucas County

Maumee, *First Presbyterian Church of Maumee Chapel*, 209 E. Broadway (8-14-73).

Oklahoma

Canadian County

El Reno vicinity, *Darlington Agency Site*, about 6 miles NW. of El Reno (8-14-73).

Pennsylvania

Delaware County

Upland, *Crozer, George K., Mansion*, 6th Street (8-14-73).

Montgomery County

Lederach vicinity, *Kolb, Dielman, Homestead*, S. of Lederach on Kinsey Road (8-17-73).
Woxall, *Nungesser, Valentine, House*, Skippack Road (8-17-73).

Rhode Island

Washington County

Saunderstown vicinity, *Casey, Silas, Farm*, N. of Saunderstown on R.I. 138 (8-14-73).

South Carolina

Aiken County

Beech Island vicinity, *Fort Moore-Savano Town Site*, NW. of Beech Island (8-14-73).

Beaufort County

Port Royal vicinity, *Hazell Point Site* (8-14-73).
Port Royal vicinity, *Little Barnwell Island*, N. of Port Royal (8-14-73).

Chester County

Chester vicinity, *Fishdam Ford*, SW of Chester off S.C. 72 (also in Union County) (8-14-73).

Union County

Chester vicinity, *Fishdam Ford* (See Chester County).

Tennessee

Davidson County

Nashville, *Hubbard House*, 1109 1st Avenue, South (8-14-73).

Monroe County

Vonore vicinity, *Chota and Tanasi Cherokee Village Sites*, SE of Vonore in Cherokee National Forest (8-30-73).

White County

Sparta vicinity, *Sparta Rock House*, 3 miles E of Sparata on U.S. 70 (8-14-73).

Texas

Bowie County

Texarkana vicinity, *Texarkana Phase Archeological District,* NW of Texarkana (8-14-73).

Montgomery County

Montgomery vicinity, *Kirbee Kiln Site,* S of Montgomery (8-28-73).

Red River County

Blakeney vicinity, *Kaufman, Sam, Site,* N of Blakeney (8-14-73).

Zapata County

San Ygnacio vicinity, *Dolores Viejo,* N of San Ygnacio off U.S. 83 (8-17-73).

Vermont

Bennington County

Arlington vicinity, *Arlington Green Covered Bridge,* W of Arlington off Vt. 313 (8-28-73).
Bennington vicinity, *Bennington Falls Covered Bridge,* NW of Bennington off Vt. 67A (8-28-73).
Bennington vicinity, *Henry Covered Bridge,* NW of Bennington off Vt. 67A (8-28-73).
Bennington vicinity, *Silk Covered Bridge,* NW of Bennington off Vt. 67A (8-28-73).

Windham County

Brattleboro vicinity, *Creamery Covered Bridge,* W of Brattleboro off Vt. 9 (8-28-73).
Green River, *Green River Covered Bridge,* across the Green River (8-28-73).
Newfane vicinity, *Williamsville Covered Bridge,* SW of Newfane at Williamsville (8-14-73).
Townshend vicinity, *Scott Covered Bridge,* W of Townshend off Vt. 30 (8-28-73).

Windsor County

Hartland vicinity, *Martin's Mill Covered Bridge,* S of Hartland off U.S. 5 (8-28-73).
Hartland vicinity, *Willard Covered Bridge,* NE of Hartland off U.S. 5 (8-28-73).
Perkinsville vicinity, *Upper Falls Covered Bridge,* N of Perkinsville off Vt. 131 (8-28-73).
Windsor vicinity, *Bowers Covered Bridge,* W of Windsor (8-28-73).
Woodstock vicinity, *Lincoln Covered Bridge,* SW of Woodstock off U.S. 4 (8-28-73).
Woodstock vicinity, *Taftsville Covered Bridge,* E of Woodstock off U.S. 4 (8-28-73).

Virginia

Albemarle County

Charlottesville vicinity, *Ash Lawn,* SE of Charlottesville off Va. 53 (8-14-73).

Charles City County

Tettington vicinity, *Margots,* NE of Tettington off Va. 621 (8-17-73).

Fauquier County

Delaplane vicinity, *Ashleigh,* S. of Delaplane off U.S. 17 (8-14-73).

Hampton (independent city)

Chesterville Plantation Site, on Langley Air Force Base (8-14-73).

James City County

Toano vicinity, *Stone House Site,* NE. of Toano off Va. 600 (8-14-73).

Loudoun County

Leesburg vicinity, *Exeter,* E. of Leesburg on Edwards Ferry Road (8-14-73).

Middlesex County

Saluda vicinity, *Deer Chase,* SE. of Saluda off Va. 629 (8-14-73).

Orange County

Gordonsville, *Exchange Hotel,* S. Main Street (8-14-73).

Richmond County

Farnham, *Farnham Church,* at intersection of Va. 602 and 692 (8-14-73).

Wise County

Big Stone Gap, *"June Tolliver" House,* on Va. 613 (8-28-73).

Washington

Chelan County

Wenatchee vicinity, *Wenatchee Flat Site,* N. of Wenatchee (8-14-73).

King County

Kirkland, *Kirk, Peter, Building,* 620 Market Street (8-14-73).

Kitsap County

Olalla, *Nelson, Charles F., House,* corner of Nelson and Crescent Valley Roads (8-28-73).

Spokane County

Spokane, *Glover House,* W. 321 8th Avenue (8-14-73).

West Virginia

Greenbrier County

Lewisburg, *Greenbrier County Courthouse and Lewis Spring,* corner of Court and Randolph Streets (8-17-73).

Jefferson County

Halltown vicinity, *Beall-Air,* W. of Halltown off U.S. 340 (8-17-73).
Shepherdstown, *Shepherdstown Historic District* (8-17-73).
Shepherdstown vicinity, *Cold Spring,* S. of Shepherdstown off Flowing Springs Road (8-14-73).
Shepherdstown vicinity, *Elmwood,* S. of Sheperdstown on CR 17 (8-17-73).

Wisconsin

Fond du Lac County

Ripon, *Little White Schoolhouse,* SE. corner of Blackburn and Blossom Streets (8-14-73).

Oneida County

Rhinelander, *First National Bank,* 8 W. Davenport Street (8-14-73).

Wyoming

Park County

Cody vicinity, *Colter's Hell,* W. of Cody on U.S. 14/16/20 (8-14-73).

ROBERT M. UTLEY,
Director, Office of Archeology and Historic Preservation.

[FR Doc.73-20222 Filed 9-21-73;8:45 am]

Office of the Secretary

[INT DES 73-58]

QUINAULT NATIONAL FISH HATCHERY, WASHINGTON

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a draft environmental statement for the proposed Quinault National Fish Hatchery in Grays Harbor County, Washington, and invites written comments on or before November 16, 1973.

The project includes the construction and operation of a large modern hatchery for propagating chinook, coho, and chum salmon and steelhead trout. The fish produced will restore and enhance depleted salmon and steelhead runs in waters on the Quinault Indian Reservation and adjacent National Forest Service lands. Copies of the draft statement are available for inspection at the following locations:

Quinault National Fish Hatchery
P.O. Box 80
Neilton, Washington 98566

Bureau of Sport Fisheries and Wildlife
P.O. Box 3737
Portland, Oregon 97208

Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior
Room 2246
18th and C Streets NW.
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Quality. Please refer to the statement number above.

Dated September 26, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary, Program Development and Budget.

[FR Doc.73-20904 Filed 10-1-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice No. 73]

ORANGES FROM CALIFORNIA

Filing Applications for Crop Insurance

Pursuant to the authority contained in § 406.3 of Title 7 of the Code of Federal Regulations, the time for filing applications for orange crop insurance for the 1973 crop year in all counties in California where such insurance is otherwise authorized to be offered is hereby extended until the close of business on October 31, 1973. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.73-20890 Filed 10-1-73;8:45 am]

Soil Conservation Service

BIG RUNNING WATER DITCH WATERSHED PROJECT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement

for the Big Running Water Ditch Watershed Project, Lawrence and Randolph Counties, Arkansas, USDA–SCS–ES–WS–(ADM)–73–33(F).

The environmental statement concerns a plan for watershed protection, flood prevention, agricultural water management (drainage), and fish and wildlife habitat development. The planned works of improvement include conservation land treatment throughout the watershed, supplemented by 82 miles of channel work with appurtenances and fish and wildlife mitigation measures.

The final environmental statement was transmitted to CEQ on September 7, 1973.

Copies are available for inspection during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, 5401 Federal Office Building, P.O. Box 2323, Little Rock, Arkansas 72203.

Copies are available for purchase from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please order by name and number of statement. The estimated cost is $5.75.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated September 24, 1973.

W. B. DAVEY,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.73–20932 Filed 10–1–73;8:45 am]

SPRING BROOK WATERSHED PROJECT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Spring Brook Watershed Project, Langlade and Marathon Counties, Wisconsin, USDA–SCS–ES–WS–(ADM)–73–6(F).

The Environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment throughout the watershed supplemented by (1) a single-purpose floodwater retarding structure, (2) a three-foot dike approximately 1,340 feet long at Antigo Lake, (3) a structure to replace the Antigo Lake outlet, and (4) approximately 10,430 feet of clearing and snagging obstacles and debris that prevent free water movement in Spring Brook through the City of Antigo.

The final environmental statement was transmitted to CEQ on August 17, 1973.

Copies are available for inspection during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250

Soil Conservation Service, USDA, 4601 Hammersley Road, P.O. Box 4248, Madison, Wisconsin 53711

Soil Conservation Service, USDA, 800 Clermont Street, Antigo, Wisconsin 54409

Copies are available for purchase from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please order by name and number of statement. The estimated cost is $5.25.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated September 24, 1973.

W. B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.73–20933 Filed 10–1–73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF WISCONSIN ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

DECISION: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

REASONS: Subsection 701.8 of the regulations provides in pertinent part:

The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 701.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 701.8 further provides:

"* * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket Number: 73–00321–33–46040. APPLICANT: University of Wisconsin, Laboratory of Neurophysiology, 283 Medical Sciences Building, Madison, Wisconsin 53706. ARTICLE: Electron Microscope, Model HU–12. DATE OF DENIAL WITHOUT PREJUDICE TO RESUBMISSION: April 26, 1973.

Docket Number: 73–00331–33–46040. APPLICANT: Baylor University, Waco, Texas 76703. ARTICLE: Electron Microscope, Model EM 201. DATE OF DENIAL WITHOUT PREJUDICE TO RESUBMISSION: April 26, 1973.

Docket Number: 73–00360–33–46500. APPLICANT: State University of New York, Stony Brook, New York 11790. ARTICLE: Ultramicrotome, Model LKB 8800A. DATE OF DENIAL WITHOUT PREJUDICE TO RESUBMISSION: May 22, 1973.

Docket Number: 73–00364–46040. APPLICANT: Cornell University School of Applied & Engineering Physics, 144 Clark Hall, Ithaca, New York 14850. ARTICLE: Electron microscope, Model EM 201 and accessories. DATE OF DENIAL WITHOUT PREJUDICE TO RESUBMISSION: May 22, 1973.

Docket Number: 73–00372–33–61300. APPLICANT: University of Colorado, Department of Molecular, Cellular & Developmental Biology, Boulder, Colorado 80302. ARTICLE: Automatic Micropipettes. DATE OF DENIAL WITHOUT PREJUDICE TO RESUBMISSION: May 22, 1973.

Docket Number: 73–00375–33–46500. APPLICANT: Duke University Medical

Center, Department of Anatomy, P.O. Box 3011, Durham, North Carolina 27710. ARTICLE: Ultramicrotome, Model Om U3. DATE OF DENIAL WITHOUT PREJUDICE TO RESUBMISSION: May 22, 1973.

Docket Number: 73-00379-01-07500. APPLICANT: Community Blood Council Inc., 310 East 67th Street, New York, New York 10021. ARTICLE: Microcalorimetry System, Model LKB 10700-2. DATE OF DENIAL WITHOUT PREJUDICE TO RESUBMISSION: May 22, 1973.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-20898 Filed 10-1-73;8:45 am]

UNIVERSITY OF HAWAII ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before October 21, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00087-33-46040. APPLICANT: University of Hawaii, Pacific Biomedical Research Center, 41 Ahui Street, Honolulu, Hawaii 96813. ARTICLE: Electron Microscope, Model EM 201. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The foreign article is intended to be used for research on (1) the microtubular structure and function, including the mechanism of motility of cilia and flagella and of chromosome movement in mitotic apparatus; (2) the mechanism of cell division particularly the role of fibrillar structures in the formation of the cell furrow; (3) the breakdown of the cortical granules and their role in the formation of the hyaline layer at fertilization and (4) the structure of the egg cortex and its role in embryonic determination, The article will also be used for training graduate students in two directed research courses numbered 699 in the Department of Biology and 799 in the Department of Biochemistry and Biophysics. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 23, 1973.

Docket Number: 74-00088-33-46040. APPLICANT: Worcester Foundation for Experimental Biology, Inc., 222 Maple Avenue, Shrewsbury, Massachusetts 01545. ARTICLE: Electron Microscope, Model EM 301 and accessories. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The foreign article is intended to be used in research to probe the relationship between structure and function in protein-nucleic acid and protein-protein interactions. The biological systems to be studied will be (1) RNA tumor viruses, (2) E. coli bacteriophage T4, (3) adenoviruses, (4) SV-40, (5) DNA polymerase complexes and (6) heterogeneous RNP particles. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 22, 1973.

Docket Number: 74-00089-33-46040. APPLICANT: University of Cincinnati, College of Medicine, Eden & Bethesda Avenues, Cincinnati, Ohio 45219. ARTICLE: Electron Microscope, Model EM 300 and accessories. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The foreign article is intended to be used in research dealing with the structure and composition of subcellular and viral components isolated from the kidneys of experimental animals and humans. The ultimate purpose of these investigations is to elucidate a cause and effect association between virus infection and chronic renal disease. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 21, 1973.

Docket Number: 74-00090-33-46040. APPLICANT: University of California, Cancer Research Laboratory, 230 Warren Hall, Berkeley, California 94720. ARTICLE: Electron Microscope, Model Elmiskop 102 with double tilting cartridge. MANUFACTURER: Siemens AG, West Germany. INTENDED USE OF ARTICLE: The foreign article is intended to be used in cancer research on the structure and function of animal cells, cell parts, and viruses. Specifically, one research group will be concerned with comparing normal with precancerous and cancerous cells from the mammary glands of laboratory mice with respect to their structure, development, response to hormones, and other physiological properties for determining the genesis of breast cancer. Another research group will study the mechanisms of secretion and response to various hormones in vertebrate and invertebrate animals, the broad goal being understanding of evolution and comparative function of endocrine systems. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 23, 1973.

Docket Number: 74-00091-33-46500. APPLICANT: The Regents of the University of California, University of California, Los Angeles, 405 Hilgard Avenue, Los Angeles, California 90024. ARTICLE: Ultramicrotome, Model Om U3. MANUFACTURER: C. Reichert Optische Werke, Austria. INTENDED USE OF ARTICLE: The foreign article is intended to be used in research to study the details of synaptic connections in the vertebrate retina. Specifically, the way the many nerve cells in retinal synapses may be intertwined and interconnected will be studied. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 22, 1973.

Docket Number: 74-00092-33-46040. APPLICANT: Children's Hospital of Pittsburgh, 125 DeSoto Street, Pittsburgh, Pennsylvania 15213. ARTICLE: Electron Microscope, Model EM 201 and 35 mm. Camera. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The foreign article is intended to be used in research to study the details of synaptic connections in the vertebrate retina. Specifically, the way the many nerve cells in retinal synapses may be intertwined and interconnected will be studied. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 24, 1973.

Docket Number: 74-00093-98-77065. APPLICANT: Iowa State University, Purchasing Department, Ames, Iowa 50010. ARTICLE: Educational Mossbauer Analyzer, Model EMS-21. MANUFACTURER: Elscint, Israel. INTENDED USE OF ARTICLE: The foreign article is intended to be used in the following research experiments:

(1) measuring the hyperfine magnetic field of iron foil and the ratio of delta M=±1, 0 transition;

(2) measurement of the mossbauer spectra of stainless steel;

(3) measurement of the quadrupole interaction and center shift of sodium nitroprusside;

(4) measurement of the antiferromagnetic interaction in Hematite;

(5) measuring the magnetic interaction and transition point in FeF3 and

(6) measuring the center shift and quadrupole splitting in a Ferric and Ferrous absorber.

The article will also be used to teach a course entitled "Synthesis in Inorganic Chemistry." APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 24, 1973.

Docket number: 74-00094-33-46500. APPLICANT: Eastman Dental Center, 800 East Main Street, Rochester, New York 14603. ARTICLE: Ultramicrotome, Model LKB 8800A and 4806A Ultrotome Table. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The foreign article is intended to be used in research studies on biological, mainly human tissues but also mammalian tissues derived from experimental animals. The tissues will exhibit both normal and pathologic structures. Specific studies will cover (1) formation of pit and fissure plaque, (2) alterations in the enamel adjacent to the pit and

fissure plaque and (3) pathological changes in the pulpal tissue under carious lesions. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 27, 1973.

Docket number: 74-00095-33-46500. APPLICANT: Case Western Reserve University Medical School, 2119 Abington Road, Cleveland, Ohio 44106. ARTICLE: Ultramicrotome, Model LKB 8800A. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The foreign article is intended to be used in experiments on the normal visual system of mice as well as surgical procedures such as enucleation and coagulation of the lateral geniculate nucleus with the objective of revealing the ultrastructural characteristics of the normal structure of the visual cortex of anophthalmic mice. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 27, 1973.

Docket Number: 74-00096-33-46500. APPLICANT: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, Connecticut 06520. ARTICLE: Ultramicrotome, Model LKB 8800A. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The foreign article will be used in studies on the ultrastructural aspects of (1) spontaneous retinal degeneration of rats; (2) sialodacryoadenitis and anterior uveitis of rats; (3) hypertensive vascular disease of rats; (4) transmissible colonic adenomatoid hyperplasia of mice; (5) enzootic intestinal adenocarcinoma of hamsters; and (6) cytochemistry of cholinesterase activity in the ciliary body of rabbits. Experiments to be conducted include: 1) temporal pathogenetic examination of retinal degeneration, hypertensive vascular disease, anterior uveitis and sialodacryoadenitis of rats; 2) pathogenetic and etiologic studies of adenomatous and neoplastic lesions of the intestinal tract of mice and hamsters and 3) cytochemical evaluation of cholinesterase activity in the eye under normal conditions and following the administration of certain drugs. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 27, 1973.

Docket number: 74-00097-63-46040. APPLICANT: University of Florida, Institute of Food & Agricultural, Agri. Research Center, 3205 S.W. 70th Avenue, Fort Lauderdale, Florida 33314. ARTICLE: Electron Mitroscope, Model EM 201 and Accessories. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The foreign article is intended to be used in research studies on the Lethal Yellowing Disease of coconuts. Specific objectives include (1) identification of the casual agent(s) of the disease and its insect vectors; (2) positive disease diagnosis of several palm species apparently attacked by Lethal yellowing; (3) early detection of Lethal yellowing by electron microscopic examination before macroscopic disease expression; (4) determination of pathogen population in infected trees after chemical treatment and (5) determination of disease transmission in laboratory experiments prior to sympton expression. The article will also be used to teach non-formalized courses in electron microscopy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 27, 1973.

Docket Number: 74-00098-33-77040. APPLICANT: Michigan Cancer Foundation, 110 E. Warren Avenue, Detroit, Michigan 48201. ARTICLE: Mass Spectrometer System, Model JMS-01SG-2. MANUFACTURER: JEOL, Ltd., Japan. INTENDED USE OF ARTICLE: The foreign article is intended for the following applications: (1) pharmacological studies and drug metabolism in concert with cancer chemotherapy programs, (2) studies of metabolism of pharmacological levels of estrogens in blood and urine in the treatment of recurrent breast cancer and (3) routine applications in synthetic organic chemistry. Application (1) will be initiated with studies of mitomycin C and 5-fluorouracil in which plasma levels and renal excretion of the two compounds will be determined as a function of time in patients with proven solid tumors and demonstrating normal renal function and appplication (2) will be determined in patients receiving estrone sulfate in the treatment of recurrent breast cancer, and possibly in tumor tissue also; in each case, both before and after the tumor ceases to respond to the estrogen. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 28, 1973.

Docket Number: 74-00099-33-46040. APPLICANT: University of Washington, Seattle, Washington 98195. ARTICLE: Electron Microscope, Model EM 201. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The foreign article is intended to be used in broadly directed research to acquire a better understanding of the fine structures of tissues in terms of their constituent cell organelles and, whenever possible, to relate their structure to physiological or mechanical function. Specific programs include (1) relating structure to function in capillaries by developing and applying a new stain, ruthenium red, to identify extracellular acid mucopolysaccarides; (2) investigating the plasma membrane complex of amoebae; (3) examination of cell membranes and cytoplasm components prepared in ways intended to best preserve their normal appearance; (4) studying the pathways of protein uptake in the suckling rat intestine; (5) determination of the origin, composition and fate of certain cytoplasmic components unique to germ cells and to analyze their role as well as the role of other factors in the process of germ cell formation and maturation and (6) assessment of pituitary somatroph cells in rat pars distalis when incubated with growth hormone-releasing and inhibiting factors. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 13, 1973.

Docket Number: 74-00100-33-90000. APPLICANT: University Hospital, Diagnostic Radiology, 1350 Walton Way, Augusta, Georgia 30901. ARTICLE: EMI Scanner System. MANUFACTURER: EMI Limited, United Kingdom. INTENDED USE OF ARTICLE: The foreign article is intended to be used in clinical investigation and evaluation for tomography with the use of a computer to determine the density of the tissue through which the rays pass. It will also be used for diagnosis of diseases of the human brain including brain hemorrhage, thrombosis, and subdural hematoma, as well as, in the examination of the brain for various tumors and variations in size of ventricular system. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 28, 1973.

Docket Number: 74-00101-33-46040. APPLICANT: University of California, Lawrence Berkeley Laboratory, East End of Hearst Avenue Berkeley, California 94720. ARTICLE: Electron Microscope, Model, JEM 100B. MANUFACTURER: JEOL, Ltd., Japan. INTENDED USE OF ARTICLE: The foreign article is intended to be used in research on (1) the loss of resolution and the loss of image quality due to processes of radiation damage that occurs in the electron beam on biological specimens; (2) high resolution microscopy of single atoms and (3) routine biological electron microscopy of thin sectioned material, negatively stained material etc. (Examples are histological and morphological studies including diverse topics such as, acid secretion in the stomach, neural tissue in culture, retinal tissue exposed to radiation, investigation of serum lipoprotein structure, and the characterization of lipoprotein morphology in abnormal and pathological circumstances.) APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 29, 1973.

(Catalog of Federal Domestic Assistance Program No. 11.105 Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-20839 Filed 10-1-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App.), the Food and Drug Administration announces the establishment by the Secretary, Department of Health, Education, and Welfare, on August 24, 1973, of six public biological advisory committees as follows:

1. *Designation.* Panel on Review of Biological Skin Test Antigens.

Purpose. The panel will (1) advise the Commissioner of Food and Drugs on the

safety and effectiveness of biological skin test antigens; (2) review and evaluate available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products consisting of such products as Blastomycin, Coccidioidin, Diphtheria Toxin/Schick Test, Histoplasmin, which are used in diagnostic substances for dermal test; and (3) advise on the promulgation of monographs establishing conditions under which these particular products are generally recognized as safe and effective and not misbranded.

2. *Designation.* Panel on Review of Biological In Vitro Diagnostic Reagents.

Purpose. The panel will (1) advise the Commissioner of Food and Drugs on the safety and effectiveness of biological in vitro diagnostic reagents; (2) review and evaluate available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products consisting of in vitro diagnostic reagents which are used in clinical lab tests for diagnosis, prevention and treatment of disease and assessment of medical conditions; and (3) advise on promulgation of monographs establishing conditions under which these particular products are generally recognized as safe and effective and not misbranded.

3. *Designation.* Panel on Review of Allergenic Extracts.

Purpose. The panel will (1) advise the Commissioner of Food and Drugs on the safety and effectiveness of allergenic extracts and combinations thereof; (2) review and evaluate available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products consisting of products or materials, either singly or in combination, that are administered to man for the diagnosis, prevention, or treatment of allergies and allergic diseases; and (3) advise on the promulgation of monographs establishing conditions under which these particular products are generally recognized as safe and effective and not misbranded.

4. *Designation.* Panel on Review of Blood and Blood Derivatives.

Purpose. The panel will (1) advise the Commissioner of Food and Drugs on the safety and effectiveness of blood and blood derivatives; (2) review and evaluate available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products consisting of whole human blood and fractions thereof, such as human red blood cells, cryoprecipitated antihemophilic factor and other blood derivatives which are used in the treatment of human disease; and (3) advise on the promulgation of monographs establishing conditions under which these particular products are generally recognized as safe and effective and not misbranded.

5. *Designation.* Panel on Review of Miscellaneous Biological Products.

Purpose. The panel will (1) advise the Commissioner of Food and Drugs on the safety and effectiveness of miscellaneous biological products not included within one of the other therapeutic categories being reviewed; (2) review and evaluate available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products consisting of venoms, enzymes, Trichinella extract, etc., which are used in the treatment and diagnosis of various diseases in man; and (3) advise on the promulgation of monographs establishing conditions under which these particular products are generally recognized as safe and effective and not misbranded.

6. *Designation.* Panel on Review of Immune Serums, Antitoxins and Antivenins.

Purpose. The panel will (1) advise the Commissioner of Food and Drugs on the safety and effectiveness of immune serums, antitoxins and antivenins; (2) review and evaluate available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products consisting of immune serums and globulins specific for particular infective agents which are used for conferring passive immunity; antitoxins which are used for neutralizing the toxins of infective microorganisms; and antivenins which are antitoxic serum products for counteracting the venom of snakes, spiders, and insects; and (3) advise on the promulgation of monographs establishing conditions under which these particular products are generally recognized as safe and effective and not misbranded.

Authority for these committees will expire August 24, 1975, unless the Secretary formally determines that continuance is in the public interest.

Dated September 21, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-20911 Filed 10-1-73;8:45 am]

L. D. SCHREIBER CHEESE CO., INC.

Pasteurized Process Cheese Deviating From Identity Standards; Extension of Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that the temporary permit, held by L. D. Schreiber Cheese Co., 1607 Main St., P.O. Box 610, Green Bay, WI 54305, covering limited interstate marketing tests of an institutional pack of pasteurized process cheese deviating from the standards of identity for pasteurized process cheese (21 CFR 19.750) in that it contains enzyme treated cheddar cheese, terminated on July 10, 1973 and will be extended, effective the date of the publication of a notice of proposed rulemaking published elsewhere in this issue of the FEDERAL REGISTER based on a petition by L. D. Schreiber Cheese Co., Inc., setting forth a proposal to amend the affected standard of identity. This extension shall terminate either on the effective date of an affirmative order ruling on the proposal or 30 days after a negative order ruling on the proposal, whichever the case may be.

Pursuant to the amendments to 21 CFR 10.5 proposed in the FEDERAL REGISTER on December 9, 1972 (37 FR 26340), all interested persons are invited to participate in the market test under the same conditions that applied to the initial permit holder, including labeling and the amount to be distributed, except that the designated area of distribution shall not apply. Any interested person who accepts the invitation to participate in the extended market test shall notify the Commissioner in writing of that fact, the amount to be distributed, and the area of distribution; and along with such notification, he shall submit the labeling under which the food is to be distributed.

The terms of the extended permit are for an amount not to exceed 1 million pounds of product in institutional packs per permit holder. The principal display panel of the label will bear the ingredient statement "contains enzyme treated cheddar cheese" and the product will be further identified by a production code.

Dated September 24, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-20915 Filed 10-1-73;8:45 am]

[DESI 12708; Docket No. FDC-D-598; NDA 12-708]

MALLINCKRODT CHEMICAL WORKS

Antihypertensive Combination Containing a Veratrum Alkaloid; Notice of Withdrawal of Approval of New Drug Application

On February 9, 1973, there was published in the FEDERAL REGISTER (38 FR 4008) a notice of opportunity for hearing (DESI 12708) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug application for the following drugs:

1. NDA 12-708; Diutensen Tablets containing cryptenamine (as tannate salts) and methyclothiazide, and

2. Diutensen-R Tablets containing cryptenamine (as tannate salts), methyclothiazide, and reserpine; both marketed by Mallinckrodt Chemical Works, Pharmaceutical Products Division, Post Office Box 5439, St. Louis, Mo. 63160.

The basis of the proposed withdrawal of approval was the lack of substantial evidence that each component of the combination drugs contributes to the total effect claimed for the drugs, and that these fixed combination drugs will have the effect that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

Pursuant to the notice Mallinckrodt has requested a hearing concerning Diutensen Tablets. That request is under review and will be the subject of a subsequent FEDERAL REGISTER publication.

Mallinckrodt, in lieu of requesting a hearing concerning Diutensen-R Tablets, elected to reformulate that product by deleting the cryptenamine, and leaving only reserpine and methyclothiazide. Similar combinations of reserpine and a thiazide (DESI 9296) were published as effective for hypertension in the FEDERAL REGISTER of February 6, 1973 (38 FR 3418). An amendment to that notice to provide for drugs containing methychlothiazide and reserpine will subsequently be published in the FEDERAL REGISTER.

No data concerning the unreformulated Diutensen-R have been submitted pursuant to the notice of February 9, 1973, nor has any interested person filed a written appearance of election concerning that formulation as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended (21 U.S.C. 355)), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the combination drug containing cryptenamine (as tannate salte), methychlothiazide, and reserpine will have the effect it purported or was represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore pursuant to the foregoing finding, approval of that part of NDA 12-708 pertaining to Diutensen-R Tablets containing cryptenamine (as tannate salts), methyclothiazide and reserpine and all amendments and supplements applying thereto is withdrawn effective October 12, 1973.

Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, will thereafter be unlawful.

Dated September 21, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-20912 Filed 10-1-73;8:45 am]

National Institutes of Health

CANCER CONTROL ADVISORY COMMITTEE

Cancellation of Meeting

The meeting of the Cancer Control Advisory Committee originally scheduled for October 4, 1973 and so published in the FEDERAL REGISTER, Document 73-20317 appearing on page 26753, dated September 25, 1973, has been cancelled. The meeting was planned as a follow-up of the meeting of the Cancer Control Advisory Committee held September 24-26, 1973; cancellation was occasioned by virtue of the fact necessary discussions were completed during the September Committee meeting.

Dated September 28, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.73-21008 Filed 10-1-73;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on Vocational Education will be held on November 8, 1973, from 9:00 a.m. to 5:00 p.m., local time; a joint meeting of the National and State Advisory Councils will be held on November 8, 1973, from 7:30 p.m. to 10:00 p.m., local time, and on November 9, 1973, from 9:00 a.m. to 10:00 p.m., local time, at the L'Enfant Plaza Hotel, Washington, D.C.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meetings of the Council shall be open to the public. The proposed agenda includes:

NOVEMBER 8

Reports of Committees
Report of the Executive Director
Discussion of Proposed Legislation
Address by Ralph Whiting, Chairman of the Minnesota Council

NOVEMBER 9

Workshops on ten problems in vocational education
Workshop on evaluation of the impact of Pub. L. 90-576
Address by Melvin Laird, Counselor to the President for Domestic Affairs

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Council's Executive Director, located in Suite 412, 425—13th Street NW., Washington, D.C. 20004.

Signed at Washington, D.C., on September 25, 1973.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.73-20306 Filed 10-1-73;8:45 am]

Office of the Secretary

ADMINISTRATOR, ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Delegations of Authority

I hereby revoke the delegations previously made by me to the Director, National Institutes of Health, effective July 2, 1973 (38 FR 18261, July 9, 1973), insofar as such delegations pertain to the functions assigned to the National Institute of Mental Health.

I hereby delegate to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, all authority delegated to me by the Secretary of Health, Education, and Welfare which pertains to the functions assigned to the Alcohol, Drug Abuse, and Mental Health Administration by the Reorganization Order effective September 25, 1973.

These authorities may be redelegated.

Pending issuances of further redelegations, all delegations or redelegations to any other officer or employee of any office, bureau, division, center or other organizational unit which were in effect immediately prior to September 25, 1973, shall continue in effect in them or their successors.

This delegation becomes effective September 25, 1973.

Dated September 21, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

[FR Doc.73-20921 Filed 10-1-73;8:45 am]

ADMINISTRATOR, ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Delegations of Authority

I hereby delegate to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, all those administrative management and financial management authorities necessary for the carrying out of those functions assigned to the Alcohol, Drug Abuse, and Mental Health Administration by the Reorganization Order effective September 25, 1973, or which have been delegated by me to all the heads of the health agencies.

Pending issuance of redelegations, all administrative management and financial management authorities delegated or redelegated to any officer or employee of any office, division, institute or other organizational unit which were in effect immediately prior to September 25, 1973, shall continue in effect in them or their successors.

This delegation becomes effective September 25, 1973.

Dated September 21, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

[FR Doc.73-20922 Filed 10-1-73;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL, SUBCOMMITTEE ON POLICY DEVELOPMENT

Cancellation of Meeting

The meeting of the National Professional Standards Review Council Subcommittee on Policy Development that was scheduled for Saturday, October 6, 1973 has been cancelled. The meeting was to be held at the Chicago Marriott Motor Hotel, 8535 W. Higgins Road, Chicago, Illinois, from 9:00 a.m. to 3:00 p.m. The notice was published in the FEDERAL REGISTER on Tuesday, September 18, 1973.

Dated September 26, 1973.

WILLIAM I. BAUER, M.D.,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.73-20923 Filed 10-1-73;8:45 am]

PUBLIC HEALTH SERVICE

Reorganization Order

Under the authority of section 6 of Reorganization Plan No. 1 of 1953 and section 2 of Reorganization Plan No. 3 of 1966, and pursuant to the authorities vested in me as Secretary of Health, Education, and Welfare, I hereby order the removal of the National Institute of Mental Health from the National Institutes of Health, the redesignation of the National Institute of Mental Health as the Alcohol, Drug Abuse, and Mental Health Administration and its establishment as an independent agency in the Public Health Service.

The Alcohol, Drug Abuse, and Mental Health Administration shall consist of: (1) The National Institute on Drug Abuse, which shall perform the functions currently performed by the Division of Narcotic Addiction and Drug Abuse of the National Institute of Mental Health; (2) the National Institute on Alcohol Abuse and Alcoholism, which shall perform the functions currently performed by the National Institute on Alcohol Abuse and Alcoholism of the National Institute of Mental Health; and (3) a new organization, designated as the National Institute of Mental Health, which shall administer research and services programs regarding mental health.

The Alcohol, Drug Abuse, and Mental Health Administration shall be headed by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, who will report to the Assistant Secretary for Health. The Administrator of the Alcohol, Drug Abuse, and Mental Health Administration shall be responsible for the general supervision and policy direction of the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute of Mental Health.

Section 1. Organization. The Public Health Service shall now consist of the Office of the Assistant Secretary for Health and the following health agencies;

(1) Center for Disease Control.
(2) Food and Drug Administration.
(3) Health Resources Administration.
(4) Health Services Administration.
(5) National Institutes of Health.
(6) Alcohol, Drug Abuse, and Mental Health Administration.

The restructured Public Health Service shall continue under the direction and control of the Assistant Secretary for Health, who shall serve as the principal health officer of the Department, and within the Office of the Secretary serves as the principal advisor to the Secretary on all health matters.

Sec. 2. Continuation of Regulations. Except as inconsistent with this Reorganization Order, all regulations, rules, orders, statements of policy, or interpretations with respect to the Public Health Service heretofore issued and in effect prior to the date of this Reorganization Order, or to become effective subsequent to said date, are continued in full force and effect. All such regulations, rules, orders, statements of policy, or interpretations relating to the National Institutes of Mental Health shall be continued in effect as applicable to the Alcohol, Drug Abuse, and Mental Health Administration.

Sec. 3. Prior Statements of Organization, Functions, and Delegations of Authority. To the extent inconsistent with this Reorganization Order all previous statements of organization, functions, and delegations of authority, as well as applicable present chapters of the Department's Organization Manual, are hereby superseded by this Reorganization Order, except that, pending further redelegations by the Assistant Secretary for Health, all delegations to the Director of the National Institutes of Health pertaining to the National Institute of Mental Health, are hereby vested in the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, with authority to redelegate, consistent with this Reorganization Order and the provisions of the respective delegation.

All redelegations made by the Director, National Institutes of Health to the Director, National Institute of Mental Health and to any other officer or employee of any office, institute, division, or other organizational unit in effect immediately prior to the effective date of this Reorganization Order shall continue in effect in them or their successors pending further redelegation.

Sec. 4. Funds, Personnel, and Equipment. Transfer of organizations and functions effected by this Reorganization Order shall be accompanied in each instance by direct and supporting funds, positions, personnel, records, equipment, supplies, and other resources.

This Reorganization Order shall be effective September 25, 1973.

Dated September 25, 1973.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.73-20919 Filed 10-1-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRPORT TRAFFIC CONTROL TOWER AT TUSCALOOSA, ALABAMA

Notice of Commissioning

Notice is hereby given that on August 16, 1973, the Airport Traffic Control Tower at the Tuscaloosa, Alabama, Van de Graaf Airport began operation as an FAA facility. This information will be reflected in the FAA Organization Statement the next time it is issued. Communication to the tower should be as follows:

Federal Aviation Administration
Airport Traffic Control Tower
Van de Graaf Airport
P.O. Box 447
Northport, Alabama 35476

Issued in East Point, on August 16, 1973.

PHILIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-20881 Filed 10-1-73;8:45 am]

AIRPORT TRAFFIC CONTROL TOWER AT VERO BEACH, FLORIDA

Notice of Commissioning

Notice is hereby given that on August 16, 1973, the Airport Traffic Control Tower at the Vero Beach, Florida, Airport began operation as an FAA facility. This information will be reflected in the FAA Organization Statement the next time it is issued. Communications to the tower should be as follows:

Federal Aviation Administration
Airport Traffic Control Tower
Vero Beach Airport
P.O. Box 130
Vero Beach, Florida 32960

Issued in East Point, on August 16, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73-20880 Filed 10-1-73;8:45 am]

TACOMA-INDUSTRIAL AIRPORT

Commissioning of Airport Traffic Control Tower

Notice is hereby given that on or about September 27, 1973, the Airport Traffic

Control Tower at the Tacoma-Industrial Airport, Tacoma, Washington, will be commissioned. It will improve the operational flow of terminal traffic consisting predominately of general aviation aircraft. Communications to the Airport Traffic Control Tower should be addressed as follows:

Airport Traffic Control Tower
Department of Transportation
Federal Aviation Administration
Tacoma-Industrial Airport
1022 26th Avenue NW.
Gig Harbor, Washington 98335

Issued in Seattle, Washington, on September 5, 1973.

C. B. WALK, Jr.,
Director.

[FR Doc.73-20882 Filed 10-1-73;8:45 am]

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting

On October 9 and 10, 1973, the National Motor Vehicle Safety Advisory Council will hold a public conference on the technical and legal aspects of motor vehicle safety defects. This conference is sponsored by the Advisory Council to aid it in developing recommendations and guidelines for consideration by the Secretary of Transportation on what constitutes a "safety-related defect." The Council believes that the conference is timely in light of the increasingly large number of motor vehicles recalled each year and legislation before the Congress regarding mandatory recall and remedy of safety-related defects.

The 2-day conference will be held in room 2232, Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, D.C., beginning at 9:00 a.m. each day. Presentations are expected from 16 organizations as outlined in the following tentative agenda:

SESSION I—OCTOBER 9—9:00 A.M.—NOON

Automobile Importers of America
Center for Auto Safety and Consumers Union
International Harvester Company
Vehicle Equipment Safety Commission
Question and Answer Period

SESSION II—OCTOBER 9—2:00 P.M.–5:00 P.M.

Connecticut Department of Motor Vehicles
Motor & Equipment Manufacturers Association
Volkswagen of America, Inc.
Insurance Institute for Highway Safety
Public Communication, Inc.
Question and Answer Period

SESSION III—OCTOBER 10—9:00 A.M.–NOON

General Motors Corporation
Automobile Club of Missouri
Walker Stainless Equipment Co., Inc.
State Farm Insurance Company
National Association of School Bus Contract Operators
Question and Answer Period

SESSION IV—OCTOBER 10—2:00 P.M.–4:00 P.M.

U.S. Senate Committee on the Judiciary—Subcommittee on Antitrust and Monopoly
Specialty Equipment Manufacturers Association
Question and Answer Period

The National Motor Vehicle Safety Advisory Council is composed of 22 members, a majority of whom represent the general public, including representatives of State and local governments, with the remainder representing motor vehicle and motor vehicle equipment manufacturers and dealers. The Advisory Council makes recommendations to the Secretary of Transportation on the motor vehicle safety standards program administered under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.).

The Advisory Council's Safety Defects Conference is independent of any rulemaking activities conducted by the Department of Transportation, is not a substitute for meetings held at the request of the Department, and is not a substitute for comments submitted to any rulemaking docket. The Department of Transportation is not responsible for representations made or positions taken at the conference.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92-463, Federal Advisory Committee Act, effective January 5, 1973.

For further information, contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C., or telephone 202-426-2872.

Issued on September 26, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-20907 Filed 10-1-73;8:45 am]

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting

October 11, 1973, the National Motor Vehicle Safety Advisory Council will hold open meetings in the DOT Headquarters Building, 400 Seventh Street SW., Washington, D.C. The Advisory Council is composed of 22 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Secretary of Transportation consults with the Advisory Council on motor vehicle safety standards promulgated under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.).

The following meetings are subject to the approval of the Secretary of Transportation.

On October 11 at 8:30 a.m. in room 2232 the Accident Avoidance and Operating Systems Committee will meet with the following agenda:

Proposals for Visibility Standards
Application of Standards to Multipurpose Vehicles and Light Trucks
Report and Recommendations on Safety Defects
New Business

At 10:00 a.m. on October 11 in room 2232 the Crashworthiness Committee will meet with the following agenda:

Review of Program of School Bus Manufacturers Institute Task Force for School Bus Safety Sponsored by Truck Body and Equipment Association
FMVSS 208 (Occupant Protection):
Extension Beyond 8/15/75;
Mandatory Safety Belt Use Laws and 208;
Starter Interlock Acceptance and Effectiveness;
Review of Dummy Specifications
Experimental Safety Vehicle Program:
40 or 50 mph Barrier Impact Speed;
Vehicle Weight, Average Speeds and Crash Impact Speed Projections for 1980 and Beyond
Child Restraints
New Business

On October 11 at 2:00 p.m. the full Council will meet in room 2232 with the following agenda:

Plans for Third International Congress on Automotive Safety
Excalibur Award Resolution
Report of Accident Avoidance and Operating Systems Committee
Report of Crashworthiness Committee
New Business

This notice is given pursuant to section 10(a)(2) of Pub. L. 92-463, Federal Advisory Committee Act (FACA) effective January 5, 1973.

For further information, contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C., telephone 202-426-2872.

Issued on September 26, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-20908 Filed 10-1-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25908]

TRANSATLANTIC ROUTE PROCEEDING

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 29, 1973, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Ross I. Newmann.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of: (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before November 9, 1973, and the other parties on or before November 19, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used

by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., September 26, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-20840 Filed 10-1-73;8:45 am]

[Docket No. 25604; Order 73-9-91]

TRANS WORLD AIRLINES, INC.

Order Regarding Capacity Reduction Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of September, 1973.

Trans World Airlines requests authorization to engage in preliminary intercarrier discussions to identify markets in which multilateral reductions of capacity might be achieved in accordance with the standards previously prescribed by the Board.[1]

The City of Kansas City, Missouri, United Air Lines, and Western Air Lines have filed answers in support of the application.[2]

Upon consideration of the foregoing, we shall authorize Trans World Airlines to conduct the discussions so requested for the same reasons as those adopted in prior proceedings. Available information tentatively indicates that appropriate capacity reduction agreements could benefit the nation's energy conservation program, the environment, and the finances of the carriers involved, without injuring the quality of service afforded the traveling public.[3] The discussions authorized herein will be subject to conditions similar to those previously prescribed in such cases.[4]

Accordingly, *It is ordered*, That:

1. All certificated air carriers be and they hereby are authorized to conduct discussions to determine whether to request authority to discuss capacity reduction agreements in specific markets, subject to the following conditions:

(a) The discussions shall be held in Washington, D.C. and representatives of the Civil Aeronautics Board and of any other interested persons shall be permitted to attend the discussions as observers;

(b) The markets to be discussed shall be limited to markets in interstate and overseas air transportation;

(c) Notices of any meeting held pursuant to this Order shall be served on all certificated and supplemental air carriers, and the Civil Aeronautics Board, at least three business days prior to said meeting;

(d) A full transcript shall be maintained at all meetings, at the expense of the carriers, and two copies of said transcript shall be filed with the Board;

(e) The authority granted herein shall expire within 90 days of the effective date of this order;

2. Copies of this order shall be served on the Cities of Albuquerque, New Mexico and Kansas City, Missouri; the Departments of Defense, Justice and Transportation; the U.S. Postal Service; and all certificated and supplemental air carriers; and

3. To the extent not granted herein, all outstanding requests be and they hereby are dismissed without prejudice.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,[5]
Secretary.

[FR Doc.73-20920 Filed 10-1-73;8:45 am]

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[1] See Order 73-4-98, April 24, 1973, and previous orders referred to therein.

[2] The City of Albuquerque, New Mexico, has filed a petition for leave to intervene. Under our rules (§ 302.15(a)) such a petition is premature and unnecessary, since at this stage there is nothing before the Board which will be the subject of a formal hearing, and since Albuquerque can participate in the present non-hearing proceedings without intervention.

[3] See Order 73-7-147, July 27, 1973.

[4] See, for example, Order 71-3-71, March 11, 1971, ordering paragaph 1.

[5] Concurring and dissenting statements filed as part of original document.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS

Entry or Withdrawal for Warehouse for Consumption

SEPTEMBER 26, 1973.

Effective on October 1, 1973, the following numbers in the Tariff Schedules of the United States Annotated (TSUSA) which are currently classified in cotton textile Category 64 will be transferred to and classified in Categories 26 and 27, as indicated:

TSUSA No.	Category
355.5000	26
355.6510	26
356.1010	26
356.1510	26
356.2000	26
356.2510	26
332.4020	26
332.4040	27

The purpose of this action is to eliminate the necessity to convert the designated TSUSA numbers for these coated or filled fabrics of cotton textiles from square yards to pounds, the standard unit of measure for Category 64.

For purposes of the visa systems in effect with a number of countries, or hereafter put into effect, which require the category classification on the visas to match that of the goods being shipped, cotton textile products in the foregoing TSUSA numbers, exported to the United States prior to January 1, 1974 and showing Categories 64, or 26/27, as applicable, on the accompanying visas, will not be denied entry.

Accordingly, there is published below a letter of September 26, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that this transfer be made as of October 1, 1973.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

SEPTEMBER 26, 1973.

DEAR MR. COMMISSIONER: In accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed, effective on October 1, 1973 and until further notice, to transfer the following numbers in the Tariff Schedules of the United States Annotated which are currently being classified in cotton textile Category 64 to Categories 26 and 27, as indicated below:

TSUSA number:	Category
355.5000	26
355.6510	26
356.1010	26
356.1510	26
356.2000	26
356.2510	26
332.4020	26
332.4040	27

For purposes of the visa systems in effect with a number of countries, or hereafter put into effect, which require the category classification on the visas to match that of the goods being shipped, cotton textile products in the foregoing TSUSA numbers, exported to the United States prior to January 1, 1974 and showing Categories 64, or 26/27, as applicable, on the accompanying visas, will not be denied entry.

Early in 1974, these changes will be included in the detailed description of the categories in terms of TSUSA numbers which was published in the FEDERAL REGISTER on April 29, 1972 (FR 8803), as amended on February 14, 1973 (38 FR 4436).

The actions taken with respect to imports of cotton textiles and cotton textile products produced or manufactured in the affected countries have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-20893 Filed 10-1-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Extension of Public Comment Period

On September 14, 1973 (38 FR 25697), the Administrator published proposed

regulations dealing with the use of supplementary control systems and implementation of national secondary ambient air quality standards. Notice is hereby given that the period for public comment on these proposed regulations is beng extended. All relevant comments received not later than November 16, 1973, will be considered. Written comments should be submitted in triplicate to the Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Robert Neligan.

Dated September 27, 1973.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

[FR Doc.73-20938 Filed 10-1-73;8:45 am]

TECHNICAL ADVISORY GROUP TO THE MUNICIPAL WASTE WATER SYSTEMS DIVISION

Notice of Meeting

Pursuant to Pub. L. 92-463 notice is hereby given that a meeting of the Technical Advisory Group to the Municipal Waste Water Systems Division will be held on October 22 and 23, 1973, beginning at 8:30 a.m. PDT on October 22, at the South Lake Tahoe Public Utilities District, South Lake Tahoe, California.

This is a regularly scheduled meeting of the Technical Advisory Group. The purpose of the meeting will be to review programs, technical topics, guidelines and regulations for the design, construction, operation, and maintenance of Federally funded wastewater treatment works.

This meeting will be open to the public. Any member of the public wishing to attend, obtain further information, or submit pertinent comments, should contact the Executive Secretary, Mr. Harold P. Cahill, Jr., Environmental Protection Agency, Office of Water Program Operations, Room 1137E, Waterside Mall, 401 M Street SW., Washington, D.C. 20460, 202-426-8986.

Dated September 27, 1973.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

[FR Doc.73-20937 Filed 10-1-73;8:45 am]

WEST VIRGINIA AIR QUALITY PLAN

Notice of Public Hearing

Notice is hereby given that, pursuant to the provisions of sections 110(f)(1), (2) of the Clean Air Act, a public hearing will be held on November 12, 1973, beginning at 9:30 a.m. local time for the purpose of determining whether the requirements of Regulation II and Regulation X of the State of West Virginia Implementation Plan to Achieve and Maintain Air Quality Standards, as said regulations apply to those seven utility generating stations set forth below, should be postponed for a period not to exceed one year. The hearing will convene at Courtroom No. 2, U.S. Court House, Fifth Floor, 500 Quarrier Street, Charleston, West Virginia. The hearing may continue beyond one day, and the Administrative Law Judge may reconvene the hearing at such time and place as he shall indicate by announcement at the hearing.

I. Applicable regulations. Regulation II, section 3.01, of the State of West Virginia Implementation Plan to Achieve and Maintain Air Quality Standards provides, in relevant part:

3.01(a) No person shall cause, suffer, allow, or permit the discharge of particulate matter into the open air from all fuel burning units located at one plant, measured in terms of pounds per hours in excess of the amount determined as follows:

(1) For Type 'a' fuel burning units, the product of 0.05 and the total design heat inputs for such units in million British Thermal Units (B.T.U.'s) per hour, provided, however, that no more than 1200 pounds per hour of particulate matter shall be discharged into the open air from all such units;

Regulation X, section 3.01, provides, in relevant part:

3.01. *Maximum Allowable Emission Rates for Similar Priority I and Priority II Regions.*

(a) Not later than June 30, 1975, no person shall cause, suffer, allow, or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant, measured in terms of pounds per hour, in excess of the amount determined as follows:

(1) For Type 'a' fuel burning units, the product of 2.7 and the total design heat inputs for such units discharging through those stacks in million British Thermal Units (B.T.U.'s) per hour.

* * * * *

(b) Not later than June 30, 1978, no person shall cause, suffer, allow, or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant measured in terms of pounds per hour, in excess of the amount determined as follows:

(1) For Type 'a' fuel burning units, the product of 2.0 and the total design heat inputs for such units discharging through those stacks in million B.T.U.'s per hour, provided, however, that no more than 32,000 pounds per hour of sulfur dioxide shall be discharged into the open air from all such stacks.

Regulation X, section 3.03, provides, in relevant part:

3.03. *Maximum Allowable Emission Rates for Similar Units In All Priority III Regions, Except Region IV.*

(a) Not later than June 30, 1975, no person shall cause, suffer, allow, or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant, measured in terms of pounds per day, in excess of the amount determined as follows:

(1) For Type 'a' fuel burning units, the product of 3.2 and the total design heat inputs for such units discharging through those stacks in million B.T.U.'s per hour.

* * * * *

(b) Not later than June 30, 1978, the requirements of Sub-Section 3.01(b) shall apply to all Type 'a' * * * fuel burning units.

Type 'a' fuel burning units, as defined in Regulation II and Regulation X, are those which have, as their primary purpose, the generation of steam or other vapor to produce electric power for sale. The generating stations set forth below operate Type 'a' fuel burning units. Accordingly, these stations are subject, as appropriate, to the requirements of Regulations II and X, as set forth above.

Regulation II, section 3.01(a)(1), is designed to attain and maintain both primary and secondary national ambient air quality standards. Regulation X, sections 3.01(a)(1) and (b)(1), are designed, respectively, to attain and maintain primary and secondary national ambient air quality standards. Regulation X, sections 3.03(a)(1) and (b), are designed to maintain secondary national ambient air quality standards.

The Governor of the State of West Virginia has determined that the utility generating stations set forth in the table below cannot meet the requirements of the regulation(s) specified in said table by June 30, 1975, and/or June 30, 1978. As a consequence, he has requested that the Environmental Protection Agency postpone the effective date of such requirements for one year.

Utility Generating Station	*Regulation*
Kammer Station, Ohio Power Co., Moundsville, W.Va.	II; X, Sections 3.01(a)(1) and 3.01(b)(1)
Mitchell Station, Ohio Power Co., Moundsville, W.Va.	II; X, Sections 3.01(a)(1) and 3.01(b)(1)
Cabin Creek Station, Appalachian Power Co., Cabin Creek, W.Va.	II
Kanawha River Station, Appalachian Power Co., Glasgow, W.Va.	II
John Amos Plant, Appalachian Power Co., Poca, W. Va.	II
Harrison Station, Monongahela Power Co., Haywood, W.Va.	X, Sections 3.03(a)(1) and 3.03(b)
Fort Martin Station, Monongahela Power Co., Maidsville, W.Va.	II; X, Sections 3.03(a)(1) and 3.03(b)

II. Requirements of § 110(f) of the Clean Air Act (42 U.S.C. § 1857c-5(f)). Under Section 110(f) of the Clean Air Act, the Administrator of the Environmental Protection Agency may not grant a postponement such as the one being requested by the Governor of the State of West Virginia unless the Administrator determines that the four statutory requirements of §§ 110(f)(1)(A)-(D) of the Clean Air Act have been met. Under Section 110(f)(2) of the Clean Air Act, the Administrator's determination must be based on the record of a public hearing such as the one provided for by this notice. As applied to the seven utility generating stations listed above, the four requirements of Sections 110(f)(1)(A)-(D) of the Clean Air Act are as follows:

(1) Good faith efforts have been made by the generating stations set forth above to comply with the provisions of Regulation II and/or X by the appropriate dates.

(2) The generating stations set forth above are unable to comply with the provisions of Regulation II and/or X, because the necessary technology or other alternative methods

of control are not available or have not been available for a sufficient period of time.

(3) During the pendency of any postponement which is granted, the generating stations set forth above will employ (or have already employed) any available operating procedures and interim control measures capable of reducing the impact of the generating stations' emissions on public health.

(4) The continued operations of the generating stations set forth above during the period of time provided by the postponement is essential to the national security or to the public health or welfare of the community.

III. Reasons for Requested Postponements. The following is a brief summary of some of the reasons offered by the seven utility generating stations as grounds for the postponements being requested. The statements contained in these summaries are for informational purposes only and should not, in any way, be regarded as binding on any of the parties to the scheduled hearing.

The Ohio Power Company claims that the Kammer Station cannot comply with the June 30, 1975, compliance date specified for Regulation X, section 3.01(a)(1) and the June 30, 1978, compliance date specified for Regulation X, section 3.01(b)(1), because of the unavailability of sulfur dioxide control equipment.

The Ohio Power Company further claims that the Kammer Station cannot comply with the requirements of Regulation II by the June 30, 1975, attainment date because it is contemplated that a single system of control for both particulates and sulfur oxides will be employed and, thus, that the requirements of Regulation II and Regulation X must be met simultaneously.

The Ohio Power Company claims that the Mitchell Station cannot meet the June 30, 1975, compliance date specified for Regulation X, section 3.01(a)(1), and the June 30, 1978, compliance date specified for Regulation X, section 3.01(b)(1), because of the unavailability of sulfur oxide control equipment. It claims that it cannot comply with the requirements of Regulation II by the June 30, 1975, attainment date because the large size of the units require additional time for retrofitting.

The Appalachian Power Company claims that additional time in which to meet the requirements of Regulation II, as amended, is warranted at its Cabin Creek Station because good faith efforts have been shown by its having installed control equipment in 1971, to meet the less stringent requirements of West Virginia's prior Regulation II. In addition, the company is proposing to shut down this facility by July 1, 1977.

The Appalachian Power Company claims that additional time in which to meet the requirements of Regulation II, as amended, is warranted at its Kanawha River Station because the company has exhibited good faith by retrofitting its plant in June and November of 1969 to meet the less stringent requirements of West Virginia's prior Regulation II.

The Appalachian Power Company claims that additional time in which to meet the requirements of Regulation II at its John Amos Plant should be granted because good faith efforts have been shown by meeting the less stringent requirements of West Virginia's prior Regulation II.

The Monongahela Power Company claims that it cannot comply with the June 30, 1975, requirements of Regulation X, section 3.03(a)(1), and the June 30, 1978, requirements of Regulation X, section 3.03(b), at its Harrison Station because of the unavailability of sulfur oxide control equipment. It further claims that if low sulfur content coal is to be used, additional time may be necessary to develop new West Virginia fuel sources.

The Monongahela Power Company claims that its Fort Martin Station cannot met the June 30, 1975, requirements of Regulation X, section 3.03(a)(1), and the June 30, 1978, requirements of Regulation X, section 3.03(b), because sulfur oxide control equipment is unavailable. If Regulation X's requirements are met by the use of reduced sulfur content fuel, the efficiency of existing electrostatic precipitators could be reduced, thus necessitating a major retrofit of these precipitators. If such a retrofit is necessary, the requirements of Regulation II could not be met by June 30, 1975, because of the time required for the retrofit.

IV. Procedural Rules and Public Participation. As amended by the rule changes published in this FEDERAL REGISTER, the rules of procedure which will govern the conduct of the public hearing hereinabove described have been published in the August 15, 1973, FEDERAL REGISTER at page 22025. Copies of the rules may be obtained by writing to Ms. Eileen Glen, Regional Hearing Clerk, EPA Region III, Curtis Building, 2nd Floor, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

Persons wishing to submit comments relating to the subject matter of the hearing may do so at any time prior to the commencement of the hearing by filing five copies of such comments with the Regional Hearing Clerk at the address stated above. All written comments filed pursuant to this notice will be available for public inspection at the Office of the Regional Hearing Clerk during regular business hours, 8:00 a.m.–4:30 p.m.

Interested persons wishing to be made a party to the hearing shall file a request to be made a party with the Regional Hearing Clerk at the above stated address. Such request shall contain the following information:

(1) The name and address of the person making the request (the requester);

(2) The interest of the requester;

(3) The identity of all persons whom the requester represents;

(4) A statement expressing with particularity the position of the requester on the matters to be considered at the hearing.

All information accompanying any request to be made a party shall be available for public inspection at the Office of the Regional Hearing Clerk during normal business hours.

Persons who do not wish to be made a party to the hearing but who, nevertheless, wish to make an oral statement, at the hearing may do so by submitting a request to the Regional Hearing Clerk at any time prior to the commencement of the hearing. Requests to make an oral statement will be routinely granted. Persons making such statements will be open to questions at the hearing.

Persons wishing additional information should direct all inquiries to the Regional Hearing Clerk at the address specified above or by calling Area Code 215-597-9841.

Dated September 25, 1973.

JOHN QUARLES,
Acting Administrator.

[FR Doc.73-20939 Filed 10-1-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18634; FCC 73-965]

PACIFICA FOUNDATION

Memorandum Opinion and Order Amending Issues

In regards to application of Pacifica Foundation, Washington, D.C., Docket No. 18634, File No. BPED-896, for construction permit.

1. We have before us the above-referenced application and the following pleadings: (a) Petition for Extraordinary Relief, filed May 7, 1973, by Pacifica Foundation (Pacifica); Opposition, filed May 31, 1973, by Chief, Broadcast Bureau; and Reply to opposition, filed June 12, 1973, by Pacifica; (b) Pacifica's Application for Review of Review Board's Memorandum Opinion and Order,[1] adding a § 1.65 issue against Pacifica; and Opposition to Application for Review, filed June 12, 1973, by the Chief, Broadcast Bureau; and (c) the Broadcast Bureau's Application for Review of the same Review Board Memorandum Opinion and Order, filed June 6, 1973 (38 FR 14882), denying addition of an unauthorized transfer of control issue against Pacifica; Pacifica's Opposition to this Application for Review, filed June 14, 1973; and the Broadcast Bureau's Reply to opposition, filed June 25, 1973. Also before us is our Order (FCC 73-815), adopted August 2, 1973, staying the hearing in this proceeding until October 1, 1973, in order to permit the Commission to consider the pleadings referred to above.

2. We do not think it necessary to set out the protracted history of this proceeding or to discuss at length the voluminous pleadings which are before us. Suffice it to say that Pacifica's application for a permit for a noncommercial educational FM station in Washington, D.C., was designated for hearing, along with a mutually exclusive application for the same facilities, in 1969. Pacifica Foundation, 24 F.C.C. 2d 223. The competing

[1] Pacifica Foundation, 41 F.C.C. 2d 71 (1973).

application was dismissed on February 25, 1972, with the result Pacifica's application is no longer in a comparative posture.

3. The gist of Pacifica's petition for extraordinary relief is that the parameters of the hearing are boundless under Issue 1 of the Designation Order,[2] as evidenced by the first two days of the hearing. Contending that Issue 1 violates the particularity requirements of section 309(e) of the Communications Act, Pacifica first requests that the qualifications issue be reformulated in order to comply with section 309(e). Contending next that reformulation of the qualification issue in accordance with section 309(e) will obviate the need for further hearings, Pacifica then requests that its application be granted without hearing.

4. We are persuaded that Issue 1 of the Designation Order should be deleted. On the record before us (which includes evidence respecting Pacifica's legal qualifications and an amendment respecting Pacifica's financing plan under the Ultravision standard), we find that Pacifica is legally, financially and technically qualified to construct and operate the proposed station. Accordingly, further inquiry into these aspects of Pacifica's qualifications is not necessary.

5. However, we are not persuaded that a grant without hearing is in order, in light of the *ex parte* and § 1.65 issues added by the Review Board.[3]

6. *Accordingly, it is ordered,* That, the petition for extraordinary relief is granted to the extent indicated, and denied in all other respects.

7. *It is further ordered,* That, Issue 1 of the Designation Order is hereby deleted, and further hearings in this proceeding shall be limited to the two remaining issues hereinbefore noted.

8. *It is further ordered,* That, (a) the application for review, filed by Pacifica Foundation, seeking review of the Review Board's Memorandum Opinion and Order specifying a § 1.65 issue against Pacifica, and (b) the application for review, filed by the Broadcast Bureau, seeking review of the same Memorandum Opinion and Order, denying addition of an unauthorized transfer-of-control issue against Pacifica, are denied.

9. *It is further ordered,* That, the stay of the hearings heretofore ordered, is dissolved, and the hearing shall resume at such date as the Presiding Judge orders.

Adopted September 19, 1973.

Released September 26, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] VINCENT J. MULLINS, *Acting Secretary.*

[FR Doc.73-20917 Filed 10-1-73;8:45 am]

[2] Issue 1 is as follows: "To determine the legal, financial, technical, and other qualifications of Pacifica Foundation to construct and operate the proposed non-commercial educational FM station."

[3] Pacifica Foundation, 25 F.C.C. 2d 787 (1970) and Pacifica Foundation, 41 F.C.C. 2d 71 (1973).

[4] Commissioner Robert E. Lee absent: Commissioners Johnson and Hooks concurring in part and dissenting in part and issuing statements; Commissioner Johnson's statement to be released at a later date; Commissioner Wiley concurring in the result.

FEDERAL MARITIME COMMISSION

[General Order 29]

CRITERIA FOR ESTABLISHING LEVEL OF MILITARY RATES

Test Period and Utilization Factors To Be Used for Certifying Bids

On November 28, 1972, the Commission promulgated General Order 29 which established a minimum standard rate level pursuant to section 18(b)(5) of the Shipping Act, 1916, and prescribed detailed accounting methodologies to be employed by carriers who were required to certify to the Commission that their rates meet the criteria and standards enunciated by the Commission.

In preparing their certifications under RFP 700, Second Cycle, carriers were required, pursuant to 46 CFR 549.5(a)(1) to utilize actual cost experience for the 12-month period ending with the close of the previous RFP cycle, i.e., July 1, 1971, to June 30, 1972. Any adjustments or changes to reported cost data were required to be based upon actual costs changes experienced after the close of the previous RFP cycle and prior to the bid submission date, 46 CFR 549.5(a)(2). This is to advise all carriers subject to General Order 29 that pursuant to 46 CFR 549.5(a)(1)(2) the applicable test period and period in which adjustments or changes may be reported for certifying bids tendered under RFP 800, Second Cycle, will be July 1, 1972, to June 30, 1973, and July 1, 1973, to October 18, 1973 respectively.

In General Order 29 the Commission also announced that at least 30 days prior to the bidding date for any future RFP cycle, the Commission would establish a uniform capacity utilization factor for each MSC trade route to be employed by all carriers in that trade in arriving at their cargo unit costs, 46 CFR 549.5(b)(1).

Since the Commission has not been able to establish these factors as yet for the many trade routes involved, the Commission believes that § 549.5(b)(1) of General Order 29 requiring the use of the factor should be suspended pending the determination of the factors. Accordingly, for the purpose of certifying bids in response to RFP 800, Second Cycle, each carrier's cargo unit costs should be determined on the basis of the actual number of cargo units carried as provided in § 549.5(b)(2).

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-20926 Filed 10-1-73;8:45 am]

[No. 73-56]

NON VESSEL OPERATING COMMON CARRIERS IN DOMESTIC OFFSHORE TRADES

Enlargement of Time

Upon request of Movers' and Warehousemen's Association of America, Inc., and good cause appearing, time for completing the filing schedule in this proceeding is enlarged as follows:

1. Affidavits of fact and memoranda of law shall be filed by respondents and served upon all parties no later than close of business November 9, 1973.

2. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and interveners, if any, no later than close of business November 26, 1973.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-20927 Filed 10-1-73;8:45 am]

UNITED STATES GULF/JAPAN COTTON POOL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 22, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter)

and the statement should indicate that this has been done.

Notice of agreement filed by:

Elkan Turk, Jr., Esq.
Burlingham Underwood & Lord
25 Broadway
New York, N.Y. 10004

Agreement No. 8682–10, has been entered into by the American Companies and the Japanese Companies, the carriers comprising the membership of the United States Gulf/Japan Cotton Pool, to modify the terms and conditions of that pool arrangement by (1) incorporating new provisions governing adjustments between the carriers in case of the overcarriage or undercarriage of cotton; (2) providing for the withdrawal of States Marine Lines from pool membership, and the revision of minimum sailing requirements and the percentage of participation for Lykes Bros. Steamship Co., Inc. and Waterman Steamship Corporation, the remaining American Companies under the pool; and (3) adding a new provision under Article 23 setting forth procedures for the arbitration of matters arising out of the pool operations which the carriers are unable to resolve among themselves. By Order of the Federal Maritime Commission.

Dated September 26, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-20928 Filed 10-1-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01053	Orvigs Dampskibsselskap A/S: *Bow Alecto.*
01318	Aug. Bolten, Wm. Miller's Nachfolger: *Baucis.*
01707	O. Ditlev-Simonsen Jr.: *Robert Stove.*
01861	BP Tanker Company Limited: *British Esk, British Tweed, British Forth, British Progress.*
01889	Gazocean Armement: *Gay Lussac.*
01904	Waterman Steamship Corporation: *Thomas Lynch.*
01935	Partnership Between Steamship Company Svendborg Ltd. and Steamship Company 1912 Ltd.: *Gudrun Maersk.*
02038	Polskie Linie Oceaniczne: *Pekin.*
02163	Rederiet "Ocean" A/S Copenhagen: *Silja Dan, Samoan Reefer.*
02167	Sartori & Berger: *Carmen.*
02190	Bugsier, Reederei-Und Bergungs-Aktiengesellschaft: *Wotan, Simson.*
02332	Lykes Bros. Steamship Co., Inc.: *LY–203, LY–204, LY–205, LY–206, LY–207, LY–208, LY–209, LY–210, LY–211.*
02494	Simms Bros. Towing Company, Inc.: *Simms No. 5.*
02558	American Condor Steamship Corp.: *Moon.*
02728	Societe Ivoirienne De Transport Maritime: *Tabou, Agou, Moossou.*
02831	Ednasa Company Limited: *Lynda.*
02877	Nippon Yusen Kabushiki Kaisha: *Hyogo Maru.*
02929	Sofiumar-Societe D'Armement Fluvial & Maritime: *Port Anna, Port Lazo.*
02958	Kawasaki Kisen K. K.: *Harmony Venture.*
02976	Arthur-Smith Corporation: *C & H 104.*
03077	Bulk Food Carriers, Inc.: *Molly F, El Morro.*
03276	Universe Tankships, Inc.: *Universe Burmah.*
03294	Companhia De Navegacao Lloyd Brasileiro: *Lloyd Bras.*
03413	Baba-Daiko Shosen K. K.: *Hagurosan Maru.*
03420	Dainichi Kaiun Kabushiki Kaisha: *Akaishi Maru, Naruto Maru.*
03447	K. K. Kyokuyo: *Ryoun Maru No. 5, Ryoun Maru No. 7.*
03505	Showa Yusen Kabushiki Kaisha: *Gloria Maru.*
03520	Tokyo Shosen K. K.: *Hakubasan Maru.*
04002	Compagnie Des Messageries Maritimes: *Licorne Atlantique.*
04011	Haverton Shipping Limited: *Orli.*
04019	Nord-Transport Strandheim & Stensaker: *Hansa.*
04039	Parker Brothers & Co., Inc.: *Rock Island 1.*
04087	Merichem Company: *Mer-3, Mer-4.*
04113	Mon River Towing, Inc.: *Mrbl 12.*
04125	Atlantic Towing Limited: *Irving Miami.*
04126	Jugoslavenska Linijska Plovidba, Rijeka: *Lovcen.*
04161	A & S Transportation Co.: *Lisa.*
04226	National Marine Service, Incorporated: *N.M.S. No. 1902, N.M.S. No. 1453, N.M.S. No. 1454.*
04386	Maritime Company of the Philippines: *Cabo San Agustin.*
04469	Choshomaru Gyogyo K.K.: *Choshomaru No. 18.*
04573	S.A. Pesquera Industrial Gallega: *Ana Maria Barreras.*
04623	Seaspan International Ltd.: *Seaspan 930.*
04625	American Commercial Lines, Inc.: *Carl Shelton.*
04767	Texaco, Inc.: *Texaco Barge 808.*
05003	Wisconsin Barge Line, Inc.: *Wisconsin.*
05007	Northern Transportation Company Limited: *NT 1509, NT 1510, NT 1511, NT 1512, NT 1513, NT 1515, NT 1516, NT 1517, NT 1518, NT 1519, NT 1520, NT 1521, NT 1522, NT 1523, NT 1524, NT 1525, NT 1527, NT 1528.*
05037	Meandros Shipping Development Corp., Special Shipping S.A.: *Philippa.*
05278	Twin City Barge & Towing Co.: *Ellis 2007.*
05539	Westgate Terminals, Inc.: *Carol S, Maria Elena.*
05577	Far-Eastern Shipping Company: *Erevan.*
05579	Black Sea Shipping Company: *Yalta, Yakhroma, Zoya Kosmodemyanskaya, Suez.*
05635	Mr. Masanori Yoshinoya: *Chiyoda Maru No. 2.*
05792	Korea Wonyang Fisheries Co., Ltd.: *No. 1 Koram, No. 2 Koram, No. 3 Koram.*
06144	Compania de Navegacion "Gloria Maris" S.A.: *Gloria Maris.*
06391	Saint Croix Compania Naviera S.A. of Panama: *Nicos I Vardinoyannis.*
06487	Naviera Ason S.A.: *Jose Maria Ramon, Elena de Perez.*
06494	Great West Towing & Salvage Ltd.: *Samarinda, Great West No. 2.*
06570	Kristian Jebsen (U.K.) Limited: *Swiftnes.*
07019	Allied Shipping International Corporation: *Kyma, Alkeos, Ariston.*
07328	New England Fish Company: *G. W. King, Smokwa.*
07366	Compagnie Maritime Des Chargeurs Reunis: *Medorfea, Surcouf, Bougainville, Joinville, Kerguelen, Tourville, Norbella, Norlanda, Ango, Duplcix, Tobago, Capraia.*
07419	Naviera Mercurio S.A.: *Crystal Cherry.*
07527	Korea Line Corporation: *Hollyhook.*
07550	Erato Shipping Inc.: *Halo.*
07772	Great Eastern Maritime Co., Ltd.: *Lavander.*
07806	Lunamarin S.A. Panama: *Samos Island.*
07808	Fleet Towing Co., Inc.: *Invader.*
07818	Scardana Compania de Navegacion S.A.: *Cape Strovili.*
07822	Stellar Marine Ltd.: *Nancy Michaels.*
07891	Angelakis Compania Naviera S.A.: *Aghia Marine.*
07892	Toplou Compania Naviera S.A.: *Matina.*
07918	Areti Compania Naviera S.A.: *Areti.*
07923	Chantal Shipping Company Limited: *Felicie.*
07934	Ship Operators of Florida, Inc.: *Rosa, Clelia.*
07947	Heiner Braasch Kauffahrtei Reederei Gesellschaft Ms Hamburger Wappen KG: *Hamburger Wappen.*
07968	Traders Navigation Corporation: *Andros Mentor.*
08001	Compagnie Meridionale de Navigation: *Capitaine Nemo.*
08048	Andros Trading Ltd.: *Konstantinos G. Chimples.*
08056	Cape Breton Shipping Company Limited: *Viva.*
08104	Cougar Shipping Inc.: *Regal Star.*
08106	Taisei Kaiun Kabushiki Kaisha: *Hoyu Maru.*
08110	Marreina Compania Naviera S.A.: *Sifnos.*
08149	Epidavros Shipping Co. Ltd.: *Massillon.*
08151	Carasco Navigation Company Limited: *Saronic.*
08152	Panther Shipping Inc.: *Regal Sea.*
08164	Vrontados Compania Naviera S.A.: *Kotsos M.*
08178	Korthian Maritime Co. Inc.: *Jane Iota.*

Certificate No.	Owner/Operator and Vessels
08180	Margala Shipping & Trading Corp., Monrovia: *Kero.*
08182	Rom Shipping Co. Ltd.: *Lido.*
08183	Si. Ta. Siciliana Tanker S.P.A.: *Erminia Prima.*
08190	Adolescent Shipping S.A.: *Adolescent.*
08205	Seahope Shipping Corporation: *Tillmar.*
08251	Monterey Shipping Corporation: *Stolt Span.*
08255	Veb Deutsche Seereederei: *Radeberg.*
08265	Mr. Kornelis Drent: *Anna Drent.*
08289	River Towing Incorporated: *Rangely.*
08293	Pyrgi Chios Shipping Company Ltd.: *Tortugas.*
08295	Franicons Compania Naviera S.A.: *Good Luck, Good Hope.*
08296	Lykomedis Compania Maritima S.A.: *Lykomedis.*
08297	Golden Independence Steamship Inc.: *Golden Evagelistra.*
08298	York Navigation Corporation: *Grand York.*
08300	Yellow Trust Corporation-Panama: *Bulk Mariner.*
08303	Marico Shipping Limited: *Idan, Mauritius, Yani.*
08308	Raphael D. Melachrinos and Sons: *Raphael M.*
08309	Atlantic Research Limited: *Bangor Bay.*
08310	Universal Seaways Private Limited: *Universal King.*
08313	Norness (Bulkcarriers) Limited: *Naess Patroit.*
08317	South East Asia Shipping Company Private Limited: *Mahabir.*
08319	Captain Hans Beiken: *Nautic.*
08321	Lapatho Shipping Company S.A. Panama: *Stolt Pioneer.*
08322	Navisud S.P.A.: *Egnazia.*
08323	Marifran: *Ceibo.*
08324	Skagstrendingur H.F.: *Arnar.*
08325	Alhaimo Shipping Company S.A.: *Galaxy.*
08326	Shikoku Tanker Co., Ltd.: *Mariveles.*
08327	Kathy Marina S.A.: *Cynthlema.*
08328	Corporacion Venezolana Del Petroleo: *Independencia I.*
08331	Beacons Navigation S.A.: *Beacons.*
08332	Trident Seafoods Corporation: *Billikin.*
08333	Harry Tanker Corporation: *Clementina.*
08335	Rederiet for T/T "Sea Scout": *Sea Scout.*
08336	Bottacchi S.A. De Navegacion C.F.I.I.: *Punta Beagle.*
08337	Oredian Maritime Navigation Co., Ltd.: *Marichance.*
08338	Marifoam Shipping Company Limited: *Maripatrol.*
08339	Mariluck Maritime Co., Limited: *Mariluck.*
08340	Oceania Shipping Corporation: *Alexis.*
08341	Ionia Shipping Corporation: *Irene G.*
08345	Sirius Shipping Company, Inc.: *San Moritz.*
08346	Utah Towing, Inc.: *Bluebird.*
08347	F.A.M. Flota Argentina Mineralera S.A. De Navegacion C.I.F.M.I.: *Punta Indio.*
08348	Novelda Soc. Anonima Ltda: *Punta Lobos.*
08357	Nea Armonia Shipping Company Sa of Panama: *Armonia.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-20925 Filed 10-1-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessels
01052	Concord Line A/S: *Sylvia Cord.*
01077	H. M. Wrangell & Co. A/S: *Hoi Wong.*
01172	H. Clarkson and Company Limited: *Balmes, Swiftnes.*
01191	Leif Erichsens Rederi A/S & D/S A/S Forto: *Ganja.*
01287	Knohr & Burchard NFL: *Dalbek, Reinbek.*
01306	Shaw Savill & Albion Company Limited: *Cymric.*
01318	Aug. Bolten, Wm. Miller's Nachfolger: *Alice Bolten.*
01425	Johnston Warren Lines Limited: *Rowanmore.*
01490	Knight Shipping Co. Ltd.: *Atlantic Knight.*
01527	Cia Carreto De Navegacion S.A.: *Lucy.*
01575	Rederiaktieselskapet Mascot: *Britta.*
01641	The Bank Line Limited: *Cedarbank, Crestbank.*
01707	O. Ditlev-Simonsen Jr.: *Vesteroy.*
01708	Benedict Shipping Corporation: *Cape Horn.*
01709	Capoverde Compania Naviera: *Capoverde.*
01755	Hugo Stinnes Zweigniederlassung Hamburg: *Volta Vision.*
01825	Gustav Drechse: *Dovnshlint.*
01904	Waterman Steamship Corporation: *Noonday.*
01935	Interessentskab Mellem Aktieselskabet Dampskibsselskabet Svendborg & Dampskibsselskabet AF 1912 Aktieselskab: *Arthur Maersk.*
01989	Erik Thun Aktiebolag: *Alice.*
02142	Archimedes Shipping Co. Ltd.: *Archigetis.*
02178	Globtik Tankers Overseas Limited: *Globtik Sun.*
02179	Globtik Tankers International Limited: *Tundra Breeze.*
02185	Trinidad Corporation: *Lyons Creek.*
02193	Erling Hansen: *Randal.*
02194	Compagnie Generale Transatlantique: *Desirade.*
02338	Central Gulf Steamship Corp.: *Green Ridge.*
02475	Houston Barge Lines, Inc.: *GTC-10, GTC-11.*
02492	Interstate Oil Transport Co.: *Ocean 80.*
02496	United States Steel Corporation: *PRR 558, PRR 552, PRR 511, NH 69B, NH 695, Gates No. 285, Penn Central 663, Penn Central 665, Penn Central 666, Redding Co. No. 17, Redding Co. No. 22.*
02547	Sociedad Martima San Nicolas S.A.: *Eurydamas.*
02694	Mistras Compania Naviera S.A.: *Myconos.*
02870	Isthmian Lines, Inc.: *Steel Advocate, Steel King, Steel Voyager.*
03021	Madison Shipping Corporation: *Madison Friendship.*
03172	Saint Spyridon Maritime Company Ltd.: *Tarseus.*
03357	Kirno Hill Corporation: *Acquarius, Mabruk.*
03457	Masumoto Kaiun Sangiyo K.K.: *Daiho Maru.*
03470	Nissin Kisen K.K.: *Japan Plum.*
03484	Sanko Kisen K.K.: *Tanba Maru.*
03499	El-Yam Bulk Carriers (1967) Ltd.: *Har Baker, Har Bashan.*
03501	Osaka Shosen Mitsui Senpaku K.K.: *Momijisan Maru, Musashisan Maru.*
03515	Tofuko Kisen K.K.: *Ryuyo Maru.*
03527	Yae Senpaku K.K.: *Naruto Maru.*
03559	Interessentskapet Eskimo: *Essi Gina.*
03617	Toko Senpaku K.K.: *Shoyo Maru.*
03772	Nauta Corporation: *Neddy.*
03815	Oceanic Shipping Corporation: *Oceanic.*
04033	The Oceanic Freighters Corp. Monrovia: *Padus.*
04040	Halfdan Ditlev Simonsen & Co.: *Vincita.*
04051	Amazon Shipping Corporation: *Montana.*
04106	Universal Mariners S.A.: *Palona.*
04162	Wright Towing Co., Inc.: *W-17, W-8.*
04356	Pacific Far East Line Inc.: *America Bear.*
04451	Venus International Corporation: *Venus Challenger.*
04560	Constanta Limited: *Susan Constant.*
04612	O.F. Shearer & Sons, Inc.: *James K. Ellis, Fort Dearborn, Winchester, O.F. Shearer, Oliver C. Shearer, Lelia C. Shearer.*
04660	Sociedade Geral De Comercio, Industria E Transportes Sarl: *Cunene.*
04803	Brent Towing Co., Inc.: *Levi.*
04836	Fertilia S.P.A. Compagnia Di Navigazione: *Cinzia D'Amato.*
04889	Cory Brothers & Co. (Italy) Ltd.: *Mayrose.*
04941	Olau-Line Ltd.: *Cap Melville.*
05004	Flowers Transportation Inc.: *Glenda S.*
05074	Pehrson & Wessel: *Booker Valiance.*
05474	Creon Compania Naviera S/A: *Acolos.*
05475	Maraguila Compania Naviera S.A.: *Achatos.*
05614	Herlof Andersens Rederi A/S: *Herland.*
05746	Campanella Corporation: *Jamestown.*
05874	Soneda Kisen K.K.: *Itohamumaru No. 1.*
05957	Pollux Shipping Corporation: *Pollux.*
06041	Parten-Reederei MS "Max Sieghold": *Max Sieghold.*
06115	Cosatmar S.P.A. — Compagnia Sarda Trasporti Marittimi: *Martlen.*
06184	First Silver Cloud Shipping Inc.: *Silver Cloud.*
06317	Heiner Braasch Schiffahrts-Gesellschaft MS "Hamburger Wall" Komanditgesellschaft: *Hamburger Wall.*
06391	Saint Croix Compania Naviera S.A. of Panama: *Gold Star.*
06435	Damp Den Norske Afrika-Og Australielinie, Wilhelmsens Damp. A/S Tonsberg, A/S Tankfart I, IV, V, and VI: *Tampa, Tennessee.*
06438	Skips A/S Tudor: *Tuareg.*
06451	Cities Service Oil Company, a Delaware Corporation: *Cities Service No. 1.*
06463	Plym Shipping Co. Ltd.: *Plym.*
06547	Kylnes Shipping Co. Ltd.: *Sandra.*

Certificate No.	Owner/Operator and Vessels
06557---	Salinas De Pacifico, S.A.: *Santa Teresa.*
06648---	Dietrich Sander Bereederungs GMBH: *Kalkgrund.*
06698---	Matthew Shipping Co. Ltd.: *Tortugas.*
06728---	Scientist Shipping Corp. of Monrovia: *Oinoussian Scientist.*
06739---	Laomedon Shipping Co. Ltd.: *Windjammer.*
06818---	Globus-Reederei GMBH Hamburg: *Concordia land, Kaapland, Komatiland.*
06827---	Partenreederei Hamburger Michel Hamburg: *Hamburger Michel.*
06903---	Sun Shipbuilding and Dry Dock Company: *Lurline.*
07027---	Iberhansa Maritima, S.A.: *Hispania.*
07092---	Angelina Towing Corporation: *Ellis 2121, Ellis 2123.*
07356---	Williams-McWilliams Co.: *Hydro Atlantic.*
07368---	Lake Charles Towing Co., Inc.: *LCT 55, LCT 54, LCT 15, LCT 16.*
07404---	Hanseatic Shipmanagement Ltd.: *Lissy Schulte.*
07567---	Ikuchi Kaiun Company Limited: *Shinko Maru.*
07986---	Navifor, Incorporated: *Navifor II.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-20924 Filed 10-1-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, October 4 and 5, 1973, from 9:30 a.m. to 4:00 p.m., Room 6A22, Federal Building, 819 Taylor Street, Fort Worth, Texas. This meeting will be for the purpose of considering Architect-Engineering firms to provide design services for the proposed new Border Station facility in Laredo, Texas.

The meeting will be closed to the public in accordance with the provisions set forth in section 10(d) of Pub. L. 92-463.

JAY H. BOLTON,
Regional Administrator.

[FR Doc.73-20894 Filed 10-1-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License Application No. 06/06-5166]

MEDICAL CENTER VENTURE CAPITAL, INC.

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Medical Center Venture Capital, Inc. (applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1973).

The officers and directors of the applicant are as follows:

Douglas L. McKinna, Jr., 126 Willowend, Houston, Tex. 77024, President, Chairman of the Board.

Foster A. Taylor, 608 Hawthorne, Houston, Tex. 77005, Vice President, Secretary.

Don A. Sanders, 3718 Locke Lane, Houston, Tex. 77027, Vice President, Treasurer.

The applicant, a Texas corporation with its principal place of business at 6900 Fannin Street, Houston, Texas 77025, will begin operations with $500,000 of paid-in capital and paid-in surplus derived from the sale of 980 shares of common stock to the Medical Center Bank, 6631 South Main Street, Houston, Texas 77025, and 1020 shares to seven individuals, none of whom will own 10 percent or more of applicant's stock.

Applicant will not concentrate its investments in any particular industry. As an applicant for a license pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Any person may, on or before October 16, 1973, submit to SBA written comments on the proposed licensee. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Houston, Texas.

Dated September 21, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-20870 Filed 10-1-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI74-38]

AMERADA HESS CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

SEPTEMBER 21, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI74-38	Amerada Hess Corp	95	10	Montana-Dakota Utilities Co. (Nesson Anticline Area, Williams County, N. Dak., Montana-Dakota Subarea).	$99,797	8-24-73		2-24-74	24.1450	27.3452	RI73-207.

*The pressure base is 14.73 psia.

The proposed rate increase is suspended for five months since it exceeds the applicable ceiling rate established in Opinion No. 658.

[FR Doc.73-20883 Filed 10-1-73;8:45 am]

[Docket No. CP74-67]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

SEPTEMBER 24, 1973.

Take notice that on September 11, 1973, Arkansas Louisiana Gas Company (Applicant), P.O. Box 1126, Shreveport, Louisiana 71163, filed in Docket No. CP74-67 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction during the calendar year 1974 and the operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally co-extensive with said system.

The application states that the total cost of all facilities will not exceed $7,000,000 and that no single project will cost in excess of $1,000,000. Applicant plans to finance these costs from normal internal sources and cash from short-term bank loans and other short-term borrowings utilized in the normal operation of the Applicant's total business.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20835 Filed 10-1-73;8:45 am]

[Docket No. RP73-93]

COLORADO INTERSTATE GAS CO.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

SEPTEMBER 24, 1973.

On September 19, 1973, Staff Counsel filed a further extension of the procedural dates fixed by notice issued August 24, 1973, in the above-designated matter. The motion states that all parties including staff counsel have no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Prehearing Conference, October 3, 1973, 10:00 a.m., e.d.t.
Intervenor Service, October 10, 1973.
Company Rebuttal, October 24, 1973.
Hearing, November 6, 1973, 10:00 a.m., e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20841 Filed 10-1-73;8:45 am]

[Docket No. CI65-557, etc.]

CERTIFICATES, AND ABANDONMENT OF SERVICE[1]

Notice of Applications or Petitions

SEPTEMBER 24, 1973.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 18, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI65-557..... E 8-27-73	Pecos Western Corp. (successor to Barnwell Drilling Co.), 6065 Hillcroft, Houston, Tex. 77036.	Southern Natural Gas Co., Lake St. Catherine Field, Orleans Parish, La.	[1] 16.5	15.025
CI66-823..... C 9-7-73	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., Jicarilla Area, Rio Arriba County, N. Mex.	[2] 28.0	15.025
CI68-1199..... C 9-4-73	NHG Oil Co., P.O. Box 767, Midland, Tex. 79901.	Natural Gas Pipeline Co., of America, Caprito Field, Ward County, Tex.	[1] 17.5	14.65
CI72-842..... C 9-10-73 [3]	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	El Paso Natural Gas Co., Papoose Canyon Field, Dolores County, Colo.	[2] 25.0	15.025
CI73-163..... 9-4-73 [4]	Shell Oil Co., 1 Shell Plaza Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Vermilion Block 247, offshore Louisiana.	[2] 45.0	15.025
CI73-164..... 9-4-73 [5]	do	Natural Gas Pipeline Co. of America, West Cameron Block 565, offshore Louisiana.	[2] 45.0	15.025
CI74-126..... B 8-13-73 [6]	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Atlantic Richfield Co., acreage in Tom Green County, Tex.	Depleted	.....
CI74-152..... (G-19201) B 8-31-73	J. M. Huber Corp., 2000 West Loop South, Houston, Tex. 77027	Cities Service Gas Co., No. 1 Wolgamott Well, Barber County, Kans.	(7)	.....
CI74-161..... (G-10958) F 8-23-73	Harry W. Brennan, Jr. (successor to McMurrey Gathering System et al.), 508 Petroleum Bldg., Longview, Tex. 75601.	Arkansas Louisiana Gas Co., Bethany Field, Panola County, Tex.	12.25	14.65
CI74-162..... (G-9993) F 8-23-73	do	do	12.25	14.65
CI74-167..... (CS71-650) F 9-4-73	Phillips Petroleum Co. (successor to Davis Oil Co.), Bartlesville, Okla. 74004.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., East Rock Springs Area, Sweetwater County, Wyo.	[2] 23.75	14.65

[1] Subject to downward B.t.u. adjustment.
[2] Subject to upward and downward B.t.u. adjustment.
[3] Amendment to a pending application.
[4] Petition to amend to reflect a change in price from 35 cents per Mcf to 45 cents per Mcf.
[5] Being renoticed, because by amendment to application filed Sept. 4, 1973, Applicant reflects a change in price from 35 cents per Mcf to 45 cents per Mcf.
[6] Abandonment of percentage type sales.
[7] Well plugged and abandoned.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.73-20848 Filed 10-1-73;8:45 am]

[Docket No. CP74-66]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

SEPTEMBER 25, 1973.

Take notice on September 10, 1973, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP74-66 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act requesting permission and approval to abandon certain pipeline facilities no longer used or useful in its operations and for a certificate of public convenience and necessity authorizing the construction and operation of pipeline to replace certain segments of its existing pipeline system and the installation and operation of certain pipeline and compression facilities to permit utilization of new sources of supply of natural gas, all the above projects to be located in one or more of the states of Ohio, Pennsylvania, and West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to abandon approximately 0.9 mile of 10-inch and 0.9 mile of 12-inch transmission pipelines originally installed to serve the Charleston, West Virginia, area; but, due to required relocation of facilities in connection with the construction of Interstate Highway No. I-79, they are no longer required for Applicant's operation. Applicant proposes to sell approximately 0.5 mile of the 10-inch and 0.4 mile of the 12-inch pipeline to Columbia Gas of West Virginia, Inc., with the remaining sections of pipeline which cannot be utilized by either party to be abandoned in place. Applicant further proposes to abandon approximately 2.0 miles of 10-inch and 1.9 miles of 8-inch transmission pipelines and appurtenant regulating facilities in Washington County, Pennsylvania, extending in a northerly direction from its Majorsville Compression Station. Applicant states that due to the aged and deterioration of segments of these pipelines, replacement would be required if said pipelines were to remain in service. Instead, Applicant proposes to abandon such facilities as adequate capacity to transport present and anticipated future requirements is available in an existing adjacent 20-inch pipeline.

Applicant proposes to construct and operate the following facilities:

(1) Approximately 2.6 miles of 8-inch transmission pipeline replacing, in two separate sections, a like amount of 5-inch and 6-inch pipeline located in Ottawa County, Ohio;

(2) Approximately 2.1 miles of 12-inch transmission pipeline replacing, in two separate sections, a like amount of 8-inch pipeline located in Sandusky County, Ohio;

(3) Approximately 2.9 miles of 4-inch transmission pipeline replacing, in two separate sections, a like amount of 3-inch pipeline located in Seneca County, Ohio;

(4) Approximately 0.9 mile of 4-inch transmission pipeline replacing a like amount of 3-inch pipeline located in Morrow County, Ohio;

(5) Approximately 1.7 miles of 20-inch transmission pipeline replacing a like amount of 12-inch pipeline located in Richland County, Ohio;

(6) Approximately 0.5 mile of 16-inch transmission pipeline replacing in, three separate sections, a like amount of 12-inch pipeline located in Ashland County, Ohio;

(7) Approximately 1.9 miles of 8-inch transmission pipeline replacing a like amount of 12-inch pipeline located in Holmes County, Ohio;

(8) Approximately 1.9 miles of 6-inch transmission pipeline replacing a like amount of 3-inch and 4-inch pipeline located in Holmes County, Ohio;

(9) Approximately 0.9 mile of 24-inch transmission pipeline replacing a like amount of 16-inch pipeline located in Franklin County, Ohio;

(10) Approximately 1.4 miles of 8-inch transmission pipeline replacing, in two separate sections, a like amount of 4-inch pipeline located in Noble County, Ohio;

(11) Approximately 0.3 mile of 6-inch transmission pipeline replacing a like amount of 20-inch pipeline located in Putnam County, West Virginia; and

(12) Approximately 4.1 miles of 6-inch transmission pipeline replacing a like amount of 4-inch pipeline located in Summers and Monroe Counties, West Virginia.

Applicant states that the existing pipeline segments referred to in projects one through twelve, because of their age and corroded condition and on the basis of operating and maintenance experience, must be replaced with cathodically protected pipe in order to assure continued sale and reliable service.

Applicant further requests authorization for three additional projects to enable it to accept into its transmission system newly developed, produced and purchased volumes of gas as they become available. As stated in the application these projects are as follows:

(13) The construction and operation of approximately 2.8 miles of 6-inch

transmission pipeline and appurtenant regulating facilities to enable Applicant to reduce pressure on its existing 20-inch pipeline between its Glenville Compressor Station and Cedarville in Gilmer County, West Virginia, to enable local production to be accepted into its system as it becomes available;

(14) The construction and operation of one additional 880 horsepower compressor unit at Applicant's Porters Falls Compression Station in Wetzel County, West Virginia, to increase capacity by 7,500 Mcf per day and allow for the purchase and transportation of additional gas from reserves which are being developed by independent producers in Wirt and Doddridge Counties, West Virginia; and

(15) The construction and operation of a 950 horsepower compression station located at the interconnection of Applicant's existing field gathering system and 20-inch transmission pipeline in Wyoming County, West Virginia, to allow for the purchase and transportation of up to 7,600 Mcf of gas per day from reserves which are being developed by independent producers in McDowell County, West Virginia.

Applicant states these proposed projects for construction and operation of certain natural gas facilities and the requested abandonment of certain other facilities are necessary in order to maintain continued reliable service to existing customers at the levels presently authorized by prior orders of the Commission. The estimated cost of the proposed facilities is $2,410,600, which will be financed by the sale of notes and/or common stock to The Columbia Gas System, Inc., the parent company of Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commssion on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20341 Filed 10-1-73;8:45 am]

[Docket No. E-8392]

MISSISSIPPI POWER & LIGHT CO.

Termination of Wholesale Electric Service

SEPTEMBER 24, 1973.

Take notice that Mississippi Power & Light Company (MPL) on September 7, 1973, tendered for filing a notice of cancellation of its FPC Electric Rate Schedule No. 42, effective October 23, 1955, applicable to wholesale electric service rendered to the Town of Shaw, Mississippi, which was terminated by mutual agreement. MPL states that on August 20, 1973, it began serving the electric consumers of the Town of Shaw at retail, and that the wholesale electric service was no longer required.

Notice of the cancellation has been served upon the Town of Shaw, Mississippi.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1973. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20344 Filed 10-1-73;8:45 am]

[Docket No. CP73-130]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Rate Filing

SEPTEMBER 24, 1973.

Take notice that Mississippi River Transmission Corporation (MRT) on August 22, 1973, tendered for filing Fourth Revised Sheet No. 1 and Original Sheets Nos. 28 and 29 to its FPC Gas Tariff, Original Volume No. 2, proposed to become effective as of July 5, 1973.

The tendered tariff sheets are submitted in compliance with the Commission's order issued in Docket No. CP73-130 on July 5, 1973, authorizing MRT to develop and use East Unionville Field, Lincoln Parish, Louisiana, as an underground gas storage field. The purpose of the instant filing is to comply with provision of the Commission's order wherein MRT was required to make appropriate rate filings for the sale of the gas reserves remaining recoverable which had been dedicated to Texas Eastern Transmission Corporation (TETC) by others. The volume of gas specified in the filing is a net volume of approximately 5.5 Bcf priced at 21.475 cents per Mcf (18.3 cents per Mcf plus applicable Louisiana severance tax).

A copy of the filing has been mailed to TETC.

Any person desiring to be heard or protest said filing should file a petition to intervene with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the §§ 1.8 and 1.10 of the Commission's rules and procedure. (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 3, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20345 Filed 10-1-73;8:45 am]

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE, TECHNICAL ADVISORY COMMITTEES AND TASK FORCES

Order Designating Additional Members

SEPTEMBER 25, 1973.

The Federal Power Commission, by orders issued August 11, 1972, September 28, 1972, November 2, 1972, and December 7, 1972, established the Executive Advisory Committee and certain technical advisory committees and task forces.

2. *Membership.* Additional members of the following advisory committees and task forces, as selected by the Chairman of the Commission, with the approval of the Commission, are as follows:

EXECUTIVE ADVISORY COMMITTEE

Edward E. Cobb, Member, President, American Public Power Association.

Frederick B. Dent, Member, Secretary of Commerce, United States Department of Commerce.

Dr. Lawrence I. Moss, Member, President, The Sierra Club.

TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

Tilton H. Dobbin, Member, Assistant Secretary for Domestic and International Business, United States Department of Commerce.

Mr. Dobbin replaces Mr. Andrew E. Gibson, former Assistant Secretary for Domestic and International Business.

Sheldon B. Lubar, Member, Assistant Secretary-Commissioner, Federal Housing Administration, Department of Housing and Urban Development.
Mr. Lubar replaces Mr. Eugene A. Gulledge, former Assistant Secretary for Housing and Mortgage Credit.
Paul Stolpman, Member, Operations Research Analyst, Environmental Protection Agency.

TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY TASK FORCE—ENVIRONMENTAL ASPECTS

Tilton H. Dobbin, Member, Assistant Secretary for Domestic and International Business, United States Department of Commerce.
Mr. Dobbin replaces Mr. Andrew E. Gibson.
Paul Stolpman, Member, Operations Research Analyst, Environmental Protection Agency.

TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY TASK FORCE—TECHNICAL ASPECTS

Sheldon B. Lubar, Member, Assistant Secretary-Commissioner, Federal Housing Administration, Department of Housing and Urban Development:
Mr. Lubar replaces Mr. Eugene A. Gulledge.

TECHNICAL ADVISORY COMMITTEE ON FINANCE

Tilton H. Dobbin, Member, Assistant Secretary for Domestic and International Business, United States Department of Commerce.
Mr. Dobbin replaces Mr. Andrew Gibson.
Barrett J. Riordan, Member, Senior Staff Member, Council on Environmental Quality.
Mr. Riordan replaces Mr. Eric Zausner, Department of the Interior, formerly employed with the Council on Environmental Quality.

TECHNICAL ADVISORY COMMITTEE ON FUELS

Seth M. Bodner, Member, Deputy Assistant Secretary for Resources and Trade Assistance, United States Department of Commerce.
Mr. Bodner replaces Mr. Stanley Nehmer, former Deputy Assistant Secretary for Resources.

TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY

Seth M. Bodner, Member, Deputy Assistant Secretary for Resources and Trade Assistance, United States Department of Commerce.
Mr. Bodner replaces Mr. Stanley Nehmer.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-20850 Filed 10-1-73;8:45 am]

[Docket No. E-8389]

NEW YORK STATE ELECTRIC & GAS CORP.

Proposed Change in Rate and Charge

SEPTEMBER 24, 1973.

Take notice that on September 10, 1973, New York Electric and Gas Corporation (NYSE & G) filed a letter agreement dated August 27, 1973, proposing to amend an Agreement dated May 25, 1973, as previously amended on June 20, and July 30, 1973, with Central Hudson Gas and Electric Corporation (Central Hudson). The instant amendment provides for the sale of 23,000 kilowatts of firm capability and 10,900,000 kilowatt hours of energy during the month of September 1973, at a total cost of $123,669. NYSE & G requests waiver of the 30-day filing requirement to permit the filing to be effective as of September 1, 1973.

Copies of the application have been served upon Central Hudson.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions should be filed on or before October 3, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-20846 Filed 10-1-73;8:45 am]

[Docket Nos. CP73-331, CP73-332, CP73-333; Docket No. CP74-14]

NORTHWEST PIPELINE CORP. AND EL PASO NATURAL GAS CO.

Order After Statutory Hearing

SEPTEMBER 21, 1973.

On June 15, 1973, Northwest Pipeline Corporation (Northwest) filed an application in Docket No. CP73-331 pursuant to Section 7(c) of the Natural Gas Act (Act) for a certificate of public convenience and necessity authorizing Northwest to acquire the facilities and properties generally consisting of that segment of the natural gas pipeline system of El Paso Natural Gas Company (El Paso) generally referred to as the Northwest Division which extends from the San Juan Basin area in the State of New Mexico through the States of Colorado, Utah, Wyoming, Idaho, Oregon and Washington, to a point of termination at the International Boundary near Sumas, Washington all as more specifically detailed in Northwest's application and thereafter to operate the pipeline system.

Also, on June 15, 1973, Northwest filed in Docket No. CP73-332 an application pursuant to Section 3 of the Act for authorization to continue the importation of natural gas from the Dominion of Canada into the United States. In a related filing of the same date in Docket No. CP73-333, Northwest applied for authority to continue the maintenance and operation of facilities at the International Boundary to import natural gas from the Dominion of Canada into the United States.

On July 16, 1973, El Paso filed in Docket No. CP74-14 an application pursuant to Section 7(b) of the Act for permission to abandon the facilities of its Northwest Division pursuant to the decree entered by the United States District Court for the District of Colorado, on June 16, 1972 (United States of America, Plantiff, v. El Paso Natural Gas Company and Pacific Northwest Pipeline Corporation, Defendants, Civil Action No. C2626; hereinafter referred to as the 1972 Decree) [1] requiring El Paso to divest itself of its Northwest Division and related properties resulting from the merger of El Paso and Pacific Northwest Pipeline Corporation in 1959. The District Court's judgment and decree was issued to effect mandates of the Supreme Court requiring divestiture by El Paso without delay. (United States v. El Paso Natural Gas Co., 376 U.S. 651; Cascade Natural Gas Corporation v. El Paso Natural Gas Co. (Cascade), 386 U.S. 129; Utah Public Service Commission v. El Paso Natural Gas Co. 395 U.S. 464 (Utah)). On March 5, 1973, the Supreme Court affirmed the District Court's judgment and decree in California-Pacific Utilities Co. et al., v. United States, Nos. 72-759 *et al.* (October Term, 1972). No petitions for rehearing were filed and the judgment of the District Court has become final.

The 1972 Decree incorporates by reference portions of earlier District Court decrees. On June 21, 1968, the United States District Court for the District of Utah entered tentative Finding of Fact, Conclusions of Law and Opinion after conducting proceedings mandated by the Supreme Court in Utah. With some modification these Findings, Conclusions and Opinion became the final judgment of the District Court on November 7, 1968 (1968 Decree).

The 1968 Decree included findings and conclusions on the property to be divested, choice of a successful applicant, the proper basis for divestment and a procedure to implement the plan. Specific findings and conclusions were made relating to physical assets, gas sales agreements, miscellaneous investments, gas reserves, income tax treatment, various contractual relations, basis of reimbursement, status of employees, in addition to the selection of a successful applicant and the determination of a timetable and procedure for the divestment itself.

In rejecting the *1968 Decree* in *Utah*, the Supreme Court found that the Decree did not comply with the Mandate of *Cascade* in two respects:

(1) The apportionment of gas reserves; and

(2) It did not provide for a complete severance of all managerial and financial connections between El Paso and the New Company. The Supreme Court found no other deficiencies in the 1968 Decree and directed that no other action be taken. Therefore, those portions of the 1968 Decree not affected by Utah

[1] As modified by Order and Modification of Courts Decree of June 16, 1972, (entered on July 10, 1972) and Order Further Amending and Modifying the Court's June 16, 1972, Decree (entered on August 30, 1972).

were not reconsidered by the District Court and so far as applicable were incorporated into the 1972 Decree.

On June 25, 1971, after considering proposals, evidence and briefs on the question of gas reserves, the Court entered its Findings, Conclusions, and Opinion which as amended on July 26, 1971 (1971 Decree) was also incorporated by reference into the 1972 Decree. Therein, the Court ordered El Paso to divest itself of the gas reserves summarized at Tab A of El Paso Exhibit 118 which basically subjects reserves in the Rocky Mountain Area and San Juan Areas as well as various Canadian purchases to divestment to Northwest. The Court concluded that the estimated 11,333 Tcf of gas reserves proposed by El Paso to be divested to Northwest, together with the restrictions it placed on El Paso's market growth in California, placed Northwest in the same, if not better, relative competitive position vis-a-vis El Paso in the California market as that which Pacific Northwest enjoyed immediately prior to the illegal merger without inequitably depriving present California customers of a portion of their present supplies. Thereafter, following the Utah directives, evidentiary hearings were held to again consider which applicant should acquire the Northwest properties and facilities; whether an award to a particular applicant would have any anti-competitive effects; and to again consider plans and proposals of divestiture which would comport with the directives of Utah. The Court in its decree of June 16, 1972, designated Colorado Interstate Gas Company (CIG) as the successful applicant with the APCO Group (APCO) [2] as second choice. By order entered August 30, 1972, the District Court noted that a controlling interest in CIG had been acquired by Coastal States Crude Gathering Company, a wholly-owned subsidiary of Coastal States Gas Producing Company thereby disqualifying CIG as the successful applicant. Without reopening the proceedings, the Court designated the APCO Group as the successful applicant in place of CIG.

According to the Court's 1972 Decree, El Paso is to divest itself of its Northwest Division by transferring the assets of the Northwest Division to Northwest Pipeline Corporation (Northwest), a wholly owned inactive subsidiary that was organized in 1965 for this specific purpose. The APCO Group is then to purchase 20 percent of Northwest's common stock with the remaining 80 percent being placed in a voting trust to be administered by the APCO Group. The holders of El Paso common stock are to receive participation certificates which after five years are convertible into Northwest common upon a showing that the holder no longer owns El Paso shares. Thereafter, El Paso stockholders, officers, and directors and their families will be precluded from holding Northwest stock.

The 1968 Decree set forth the procedure to be followed in implementing the divestiture. The parties were to proceed in three steps:

Step One, El Paso and the APCO Group were to begin negotiations on (a) the amount El Paso is to receive for its equity in the divested properties, (b) the terms and conditions relating to stock conversion, (c) the formulation of restrictive provisions to insulate Northwest from control by El Paso, and (d) miscellaneous matters pertaining to divestiture.

Step Two, El Paso and Northwest were to make filings with this Commission necessary for Northwest's acquisition and operation of the divested property.

Step Three, El Paso and the APCO Group are then to submit to the Court the results of their negotiations under Step One. The Court stated that Steps One and Two could proceed concurrently.

Consistent with this procedure, Northwest's original application filed herein on June 15, 1973, did not include matters subject to negotiation in Step One. An agreement in principle as to the price to be paid by the APCO Group for its 20% interest and other matters pertaining to the implementation of the divestiture was reached on July 24, 1973, and a supplement to Northwest's original application containing these matters was filed on August 14, 1973. By its order of July 25, 1973, the Court directed that an Implementation Agreement be filed with it on or before August 8, 1973, and that any objections be Thereafter, the Court will hold hearings on the objections, if necessary, before issuing a final order. These matters are still before the Court.

Northwest and El Paso have agreed to a substitution of the gathering facilities to be divested in the San Juan Basin in lieu of those facilities which were originally approved by the Court. Northwest contends, that such substitution will substantially reduce the gathering charge that Northwest would otherwise have to pay El Paso. This substitution is included in the August 14, 1973, supplement to Northwest's application and has been submitted to the Court for approval together with the Implementation Plan.

Under the 1972 Decree certain gas wells will not be completely owned or controlled by either El Paso or Northwest. In order to avoid unnecessary duplication of facilities in the situation where a well controlled by one company is currently attached to the gathering facilities of the other, it will be necessary to equalize volumes. Therefore, the Court directed that El Paso and Northwest enter into an agreement whereby each party is reimbursed for the cost of gathering gas attributable to the other party. As a part of its supplemental application, Northwest has included a pro forma gathering agreement and requested Commission approval.

On August 20, 1973, El Paso filed in Docket No. CP74-14 a supplement to its abandonment application in which inter alia it requested that its gathering agreement with Northwest be approved. In the 1968 Decree, the Court noted that the necessity for a gathering agreement is a matter within the discretion of the Federal Power Commission. In view of the paucity of supporting data submitted by Northwest, this matter will be held in abeyance to be determined upon a more complete review of the underlying facts.

On September 13, 1967, Northwest filed applications in Docket Nos. CP69-68, CP69-69, and CP69-70 pursuant to the 1968 Decree which was later reversed and remanded by the Supreme Court in Utah. El Paso also filed an application in CP69-67 for permission to abandon the Northwest Division.[3] These proceedings were held in abeyance by Commission order issued August 14, 1968. These applications have mooted by the 1972 Decree and should therefore be dismissed.

Northwest has requested that all certificates currently held by El Paso which are applicable to the Northwest Division be reissued to Northwest. Since there are a number of outstanding certificates which apply to both the Northwest Division as well as the Southern Division, specific authorization under these certificates will be the subject of future orders in these dockets.

Northwest was notified by letter dated August 30, 1973, of the necessary producer filings reflecting Northwest as buyer in place of El Paso. These filings have not yet been received. A copy of this order will be placed in the dockets relating to these producer filings and shall constitute a succession by Northwest to El Paso's interest conveyed therein.

Northwest has advised the Commission that it will move to be substituted for El Paso in any pending rate proceeding.

Arizona Public Service Company (APS), People of the State of California, and the Public Utilities Commission of the State of California, California Gas Producers Association, California-Pacific Utilities Company (California-Pacific), Cascade Natural Gas Company (Cascade), Cheyenne Light, Fuel and Power Company, Colonial Natural Gas Company, Colorado Interstate Gas Company, Public Service Company of Colorado, The Public Utilities Commission of the State of Colorado, El Paso Natural Gas Company, The Idaho Public Utilities Commission, Intermountain Gas Company, Mountain Fuel Supply Company, Northwest Natural Gas Company, The Public Utility Commission of Oregon, Pacific Gas and Electric Company, San Diego Gas and Electric Company, Southern California Edison Company, Southern California Gas Company, Southwest Gas Corporation, Tucson Gas and Electric Company (TG&E), Washington Natural Gas Company (Washington Natural), Washington

[2] The APCO Group consists of Alaska Interstate Company, APCO Oil Corporation, Gulf Interstate Company, and the Tipperary Corporation.

[3] On July 16, 1973, El Paso filed a Notice of Withdrawal of its application.

Utilities and Transportation Commission, The Washington Water Power Company (Washington Water and Power), Western Slope Gas Company and the United States of America represented by the Department of Justice have sought intervenor status in one or more of the instant proceedings. Of these potential intervenors only six: APS, TG&E, Washington Natural, Cascade, Washington Water and Power, and California-Pacific have requested a formal hearing. And of those requesting formal hearing only APS and TG&E persist in their request, the others have been formally withdrawn.

On August 14, 1973, Northwest filed a motion requesting expedited treatment of its filings in these dockets. Filings in opposition to the alleged need for formal hearings were filed by Northwest, the United States of America, and Southern California Gas Company. It is APS and TG&E's contention that an agreement between the APCO Group and Southern California Gas Company (So. Cal.) which commits Northwest, upon acquisition by the APCO Group, inter alia to initiate deliveries to So. Cal. of an average of 40,000 Mcfd is anti-competitive in nature and that therefore a formal hearing is necessary prior to the certification of Northwest.

The agreement (appended to TG&E's petition to intervene herein) calls for initiation of deliveries at average level of 40,000 Mcfd to commence within four months of acquisition. Thereafter, Northwest is to increase deliveries as rapidly as possible to a level of 100,000 Mcfd. Northwest is then to use its best efforts, without adversely affecting its existing customers, to increase deliveries to So. Cal. So. Cal.'s obligation to purchase from Northwest is limited under the agreement to 600,000 Mcfd.

Both Northwest and the United States of America represented by the Department of Justice in their replies that precisely the same issue was raised by APS and TG&E on appeal of the 1972 Decree. Notwithstanding, the merit or lack of merit of APS and TG&E's contention, the Northwest-So. Cal. agreement is not before the Commission at this time. When, if ever, an application is filed by Northwest for permission to service this agreement, notice will be given thus affording interested parties an opportunity to participate.

The Commission finds

(1) It is necessary and appropriate that the proceedings in Docket Nos. CP73-331, CP73-332, CP73-333, and CP74-14 be consolidated for hearing and decision.

(2) It is necessary and appropriate that the proceedings in Docket Nos. CP69-67, CP69-68, CP69-69, and CP69-70 be dismissed.

(3) Participation herein by the above-named intervenors may be in the public interest.

(4) The public interest and necessity require the granting of the Motion of Northwest Pipeline Corporation requesting expedited proceedings.

(5) Applicant, El Paso Natural Gas Company, a Delaware corporation, having its principal place of business in El Paso, Texas, is a "natural-gas company" within the meaning of the Natural Gas Act as previously determined by the Commission.

(6) Applicant, Northwest Pipeline Corporation, not heretofore a "natural-gas company" within the meaning of the Natural Gas Act is upon the issuance of this order found to be a "natural-gas company" subject to the jurisdiction of the Commission.

(7) The service, facilities and properties proposed to be abandoned by El Paso generally known as the Northwest Division and more specifically described in El Paso's application in these proceedings, are subject to the jurisdiction of the Commission and abandonment thereof is subject to the requirements of Subsection (b) of Section 7 of the Natural Gas Act.

(8) The proposed abandonment of service and facilities by El Paso is permitted by the public convenience and necessity, and approval thereof should be granted as hereinafter ordered.

(9) The public convenience and necessity requires that Northwest Pipeline Corporation be authorized to acquire and operate the facilities and properties hereinbefore described and as more fully described in Northwest's application in Docket No. CP73-331.

(10) Pursuant to Section 3 of the Natural Gas Act, the public interest requires that Northwest be authorized to continue the importation of natural gas from the Dominion of Canada under the same conditions as those prevailing under the authorization issued to El Paso in Docket No. CP70-138, as amended.

(11) The public interest requires the issuance of a Presidential Permit to Northwest under Executive Order No. 10485 authorizing the continued maintenance and operation of the facilities at the International Boundary, as more fully described in Northwest's application.

(12) That insufficient evidence exists at this time regarding the authority requested by Northwest to engage in cooperative gathering venture with El Paso.

The Commission orders

(A) Permission for and approval of abandonment of service and facilities by El Paso, as hereinbefore described and as more fully described in El Paso's application in these proceedings, is granted.

(B) A certificate of public convenience and necessity is issued authorizing Northwest to acquire and operate the facilities and render service as hereinbefore described and as more fully described in its application in Docket No. CP73-331.

(C) Northwest is authorized pursuant to Section 3 of the Natural Gas Act to continue the importation of natural gas from the Dominion of Canada as hereinbefore described and as more fully described in its application in Docket No. CP73-332.

(D) A Presidential Permit will issue authorizing Northwest to maintain and operate facilities at the International Boundary as hereinbefore described and as more fully described in its application in Docket No. CP73-333.

(E) This order shall become effective upon the payment by Northwest of the first increment of the fee required by § 159.2 of the Commission's Regulations.

(F) A determination of the merits of Northwest's request for authority to enter into a joint gathering venture with El Paso shall be made only after full compliance with § 157.5 of the Commission's Regulations.

(G) The above-named parties are permitted to intervene in these proceedings subject to the Rules and Regulations of the Commission: *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that such intervenors might be aggrieved by any order entered in these proceedings.

(H) A copy of this order will be placed in the files of all dockets in which Northwest seeks to replace El Paso as the purchaser of natural gas and shall constitute a succession by Northwest to El Paso's interest conveyed therein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-20847 Filed 10-1-73;8:45 am]

[Docket No. CI74-188]

ROY A. GODFREY

Notice of Application

SEPTEMBER 24, 1973.

Take notice that on September 10, 1973, Roy A. Godfrey (Applicant) filed in Docket No. CI74-188 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale for resale and delivery of natural gas in interstate commerce to Lone Star Gas Company (Lone Star) from acreage in Aylesworth Southeast Field, Bryan County, Oklahoma, all as more fully set forth in the application in this proceeding.

Applicant sells natural gas to Lone Star from the subject acreage at a rate of 16.0 cents per Mcf at 14.65 p.s.i.a. pursuant to authorization in Docket No. CS72-807. Applicant refers to the proceedings in Docket Nos. CP73-30 and CI71-884 as reasons for the proposed abandonments. In Docket No. CP73-30 Lone Star seeks permission and approval pursuant to Section 7(b) of the Natural Gas Act for the abandonment of the facilities, used to transport Applicant's gas, by sale to Pioneer Gas Products Company (Pioneer). In Docket No. CI71-884 Pioneer seeks authorization pursuant to section 7(c) of the Natural Gas Act to sell to Lone Star at 18.0 cents per Mcf residue gas from gas purchased from Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20843 Filed 10-1-73;8:45 am]

[Docket No. E-8224]

SIERRA PACIFIC POWER CO.

Notice of Amendment to Proposed Rate Schedule R

SEPTEMBER 21, 1973.

Take notice that Sierra Pacific Power Company of Reno, Nevada, on September 4, 1973, tendered for filing an amendment to its original Statements L, M, and N to reflect corrections to the allocation of the distribution of cost of service between R-1 Customers and R-2 Customers and an increase in the regulatory commission expenses. The original filing in this proceeding was made on May 22, 1973, notice on June 8, 1973, and a Commission order suspending the proposed rate increase and prescribing a hearing was rendered on July 26, 1973.

Sierra states that in the original filing a portion of the distribution cost of service relative to the City of Fallon was allocated to R-2 Customers rather than R-1 Customers. The Statements filed on September 4 reflect corrected allocation data.

Sierra further states that in the original cost of service filing, the regulatory commission expense was estimated at $12,000 while more recent calculations reveal that the final cost will be in the neighborhood of $75,000 which will be amortized over a two year period, resulting in an annual cost of $37,500. The filing of September 4 reflects this change.

Sierra will make corresponding changes in the testimony and exhibits filed in its behalf in this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Parties who have previously filed protests or petitions to intervene need not file new protests or petitions relating only to this notice. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20849 Filed 10-1-73;8:45 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Authorizations and Directives

In accordance with § 271.5 of its rules regarding availability of information, there are set forth below the following amendments to the Authorizations and Directives of the Committee:

1. (a) Authorization A is amended by changing the heading to read "Authorization for foreign currency operations".

NOTE.—See 32 FR 9582.

(b) The words "Authorization for system foreign currency operations" appearing in paragraphs 2C and 2D of the foreign currency directive are changed to read "authorization for foreign currency operations".

NOTE.—See 32 FR 9582.

(c) Paragraph 6 of the authorization for foreign currency operations is amended to read as follows:

The Subcommittee named in § 272.4(c) of the Committee's Rules of Procedure is authorized to act on behalf of the Committee when it is necessary to enable the Federal Reserve Bank of New York to engage in foreign currency operations before the Committee can be consulted. All actions taken by the Subcommittee under this paragraph shall be reported promptly to the Committee.

NOTE.—See 32 FR 9583.

(d) Paragraph 10 of the authorization for foreign currency operations is deleted.

NOTE.—See 32 FR 9583.

2. Directive C is amended by changing the heading to read "Authorization for domestic open market operations."

NOTE.—See 32 FR 9582.

3. (a) Directive D is amended by changing the heading to read "Domestic policy directive".

NOTE.—See 32 FR 9582.

(b) The words "current economic policy directive" appearing in paragraph 1 of the authorization for domestic open market operations are changed to read "domestic policy directive".

NOTE.—See 36 FR 22697.

By order of the Federal Open Market Committee, September 26, 1973.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.73-20330 Filed 10-1-73;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Authorization for Domestic Open Market Operations

In accordance with § 271.5 of its rules regarding availability of information, notice is given that on March 15, 1973, paragraph 1(a) of the Committee's authorization for domestic open market operations was amended to increase from $2 billion to $3 billion the limit on changes between Committee meetings in System Account holdings of U.S. Government and Federal agency securities, effective immediately, for the period ending with the close of business on March 20, 1973.

NOTE.—For paragraph 1(a) of the authorization see 36 FR 22697.

By order of the Federal Open Market Committee, September 26, 1973.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.73-20331 Filed 10-1-73;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Authorization for Domestic Open Market Operations

In accordance with § 271.5 of its rules regarding availability of information, notice is given that on July 6, 1973, paragraph 1(a) of the Committee's authorization for domestic open market operations was amended to increase from $2 billion to $3 billion the limit on changes between Committee meetings in System Account holding of U.S. Government and Federal agency securities, effective immediately, for the period ending with the close of business on July 17, 1973.

NOTE.—For paragraph 1(a) of the directive see 36 FR 22697.

By order of the Federal Open Market Committee, September 26, 1973.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.73-20328 Filed 10-1-73;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Authorization for System Foreign Currency Operations

In accordance with § 271.5 of its rules regarding availability of information there is set forth below paragraph 2 of the Committee's Authorization for Foreign Currency Operations in the form that became effective July 10, 1973:

The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for the System Open Market Account for periods up to a maximum of 12 months with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under Section 214.5 of Regulation N, Relations with Foreign Banks and Bankers, and with the approval of the Committee to renew such arrangements on maturity:

Foreign bank	Amount of arrangement (millions of dollars equivalent)
Austrian National Bank	250
National Bank of Belgium	1,000
Bank of Canada	2,000
National Bank of Denmark	250
Bank of England	2,000
Bank of France	2,000
German Federal Bank	2,000
Bank of Italy	2,000
Bank of Japan	2,000
Bank of Mexico	180
Netherlands Bank	500
Bank of Norway	250
Bank of Sweden	300
Swiss National Bank	1,400
Bank for International Settlements:	
Dollars against Swiss francs	600
Dollars against other European currencies	1,250

By order of the Federal Open Market Committee, September 26, 1973.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.73-20829 Filed 10-1-73;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of June 18–19, 1973

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on June 18–19, 1973.[1]

The information reviewed at this meeting, including recent developments in industrial production, employment, and retail sales, suggests that growth in economic activity is slowing in the current quarter from an exceptionally rapid pace in the two preceding quarters. The unemployment rate has remained at 5 percent. Wage rates have advanced moderately thus far this year, but the rise in both wholesale and retail prices has been exceptionally rapid. On June 13 the President announced that prices will be frozen for a maximum of 60 days while a new and more effective system of controls is developed. Phase III controls affecting wages, profit margins, dividends, and interest rates remain in effect. In foreign exchange markets, several European currencies have appreciated against the dollar by 7 to 10 percent since early May. The U.S. merchandise trade balance continued to improve in April, as exports other than agricultural products increased sharply further and imports dipped.

Following relatively slow growth earlier in the year, the narrowly defined money stock rose sharply in May and early June. Growth in consumer-type time and savings deposits changed little, while banks' net sales of large-denomination CD's declined further. On May 16 marginal reserve requirements were imposed on large-denomination CD's and the remaining Regulation Q ceilings on such CD's were suspended. Business loan demands have remained strong, and since mid-May short-term market interest rates have advanced considerably further. Interest rates on long-term market securities in general have risen somewhat. On June 11 Federal Reserve discount rates were raised one-half point to 6½ percent.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to abatement of inflationary pressures, a more sustainable rate of advance in economic activity, and progress toward equilibrium in the country's balance of payments.

To implement this policy, while taking account of international and domestic financial market developments, the Committee seeks to achieve bank reserve and money market conditions consistent with somewhat slower growth in monetary aggregates over the months immediately ahead than appears indicated for the first half of the year.

By order of the Federal Open Market Committee, September 26, 1973.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.73-20832 Filed 10-1-73;8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of June 18–19, 1973, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

ALABAMA BANCORPORATION

Acquisition of Bank

Alabama Bancorporation, Birmingham, Alabama, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Fort Payne Bank, Fort Payne, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 20, 1973.

Board of Governors of the Federal Reserve System, September 24, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20853 Filed 10-1-73;8:45 am]

CHARTERBANK, INC.

Formation of Bank Holding Company

Charterbank, Incorporated, Brockton, Massachusetts, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Plymouth-Home National Bank, Brockton, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than October 11, 1973.

Board of Governors of the Federal Reserve System, September 24, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20854 Filed 10-1-73;8:45 am]

FIDELITY AMERICAN BANKSHARES, INC.

Order Approving Acquisition of Bank

Fidelity American Bankshares, Inc., Lynchburg, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Fidelity National Bank, Halifax County, Virginia (Bank), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 11 banks with aggregate deposits of $540 million, representing approximately 5 percent of deposits in commercial banks in Virginia.[1] Upon consummation of this proposal, Applicant intends to request permission from the Comptroller of the Currency to cause its lead bank, Fidelity National Bank, Lynchburg, Virginia, to transfer to Bank the assets and the liabilities of the lead bank's Halifax branch office. As a wholly owned subsidiary of Applicant, Bank would be able to establish branch offices throughout Halifax County under Virginia law. The proposed transaction

[1] All banking data are as of December 31, 1972. Applicant has received approval to establish a de novo bank in Williamsburg, Virginia, and has pending an application to acquire another de novo bank in Roanoke County, Virginia.

essentially constitutes, therefore, a reorganization by Applicant whereby its present branch facility would become a wholly owned subsidiary with full branching privileges.

The main office of Bank is proposed to be located in the Centerville area of Halifax County. The relevant market includes the city of South Boston and the entire county of Halifax. Applicant's banking subsidiary located closest to the proposed location of Bank is the Clarkesville, Virginia, branch of Applicant's lead bank, located in a separate banking market 25 miles southeast of Bank's proposed location.

In addition to Applicant's Halifax branch office which is intended to be absorbed by Bank, two other banking organizations are located in Bank's proposed market and control approximately 46 and 28 per cent, respectively, of market deposits. The State's largest banking organization has received approval to acquire the smaller of these two competing banks. In view of the nature of the subject transaction, which will substitute Bank for a branch office of one of Applicant's subsidiary banks, the transaction would not have any adverse effect on existing competition nor on the concentration of banking resources in any relevant area. Moreover, the ability of Bank to branch throughout the market should enable Applicant, through Bank, to compete more effectively with the larger banking organization located in Halifax County, and thereby stimulate competition and economic development in that county.

The financial and managerial resources of Applicant and its subsidiary banks are regarded as satisfactory and prospects for the group appear favorable. Bank has no operating history; however, upon acquisition of the assets and assumption of the Liabilities of Applicant's Halifax subsidiary branch office, Bank will acquire an established profitable base and experienced managerial personnel with which to initiate operations and it appears, therefore, that Bank's prospects are favorable. Furthermore, because the Halifax County-South Boston area has a population to banking office ratio above the State average, Bank's ability to branch throughout the area should increase the availability of funds and banking services in this market. Considerations relating to the convenience and needs of the area, therefore, add some weight toward approval of this application.

It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Fidelity National Bank, Halifax County, Virginia, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[2] effective September 24, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-20851 Filed 10-1-73;8:45 am]

FIRST ALABAMA BANCSHARES, INC.

Order Approving Acquisition of Bank

First Alabama Bancshares, Inc., Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire the successor by merger to First National Bank of Athens, Athens, Alabama (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls six banks with aggregate deposits of $702.3 million, representing about 10.5 percent of total deposits of commercial banks in Alabama.[1] Acquisition of Bank (deposits of $25.6 million) would not significantly increase the concentration of banking resources in the State.

Bank is the largest of two banking organizations located in Limestone County, which is the relevant banking market, with approximately 60 percent of the market deposits. However, the smaller banking organization in the market is a branch of a bank which is a subsidiary of one of the largest holding companies in Alabama. It is unlikely that Applicant's acquisition of Bank would enable it to obtain a dominant position in the market in view of this affiliation. Applicant's closest banking subsidiary is located to the east in Huntsville, about twenty miles distant. Though some residents of Limestone County commute to work in Huntsville and the surrounding area, there seems to be little overlap between the two areas for deposits and loans. Consummation of this transaction would not appear to have a substantially adverse effect on existing competiton. Nor does the Board find that there would be a substantially adverse effect on future competition caused by Applicant's acquisition of Bank, particularly in light of Alabama's laws relating to branching. Applicant also has a mortgage banking subsidiary in Huntsville. However, this subsidiary has not been active in Limestone County, making only one loan there during the entire year of 1972. Consummation of the transaction would not eliminate substantial existing or future competition in mortgage banking. The Board concludes that competitive considerations of the application are consistent with approval.

The financial condition, managerial resources, and future prospects of Applicant, its subsidiary banks, and Bank are satisfactory. Affiliation with Applicant should provide Bank with greater management depth and continuity, and this factor lends some support for approval of the application. Considerations relating to the convenience and needs of the community to be served also lend support for approval of the application since Applicant will enable Bank to provide an increased range of services. In its consideration of Applicant's proposal, the Board has noted covenants not to compete given Applicant by Bank's Directors. The covenants bind the Directors not to enter the banking business in the city of Athens for a period of five years. The Board finds that these provisions are reasonable and do not constitute a bar to approval of the application. The Board finds that consummation of the transaction is in the public interest.

On the basis of the record[2] the Application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar date following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective September 21, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-20352 Filed 10-1-73;8:45 am]

FIRST ALABAMA BANCSHARES, INC.

Order Approving Acquisition of Bank

First Alabama Bancshares, Inc., Birmingham, Alabama, a bank holding company within the meaning of the Bank

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[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, and Holland. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

[1] All banking data are as of December 31, 1972, and reflect holding company formations and acquisitions by the Board through July 31, 1973.

[2] Dissenting Statement of Governor Mitchell filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[3] Voting for this action: Chairman Burns and Governors Daane, Bucher, and Holland. Voting against this action: Governor Mitchell. Absent and not voting: Governors Brimmer and Sheehan.

Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the successor by merger to Citizens Bank of Guntersville, Guntersville, Alabama. The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Alabama, controls six banks with aggregate deposits of $702.3 million, which represent 10.3 percent of total deposits in commercial banks in the State.[1] Consummation of the proposed transaction would add .20 percentage points to Applicant's share of total commercial bank deposits in Alabama and would not change Applicant's ranking among banking organizations in the State.

Bank, the fifth largest of nine banks in the Marshall County banking market (approximated by Marshall County, Alabama), controls 11.3 percent of total deposits in commercial banks in that market.[2] Applicant's nearest banking subsidiary is located at Huntsville, Alabama, approximately 40 miles from Bank. No meaningful competition exists between Bank and any of Applicant's present subsidiaries; nor does it appear likely that such competition will develop in the future, in view of the distances involved, the number of intervening banks, and Alabama's restrictive branching laws. In addition, Marshall County's relatively low population per bank office ratio indicates that de novo entry into the Marshall County banking market is not a likely prospect.

In its consideration of Applicant's proposal the Board has considered the question of whether a covenant not to compete contained in a proposed Plan of Reorganization between Applicant and the present directors of Bank is contrary to the standards respecting competition and the public interest which the Board is required to consider under the Bank Holding Company Act. Having reviewed subject covenant and all facts of record, the Board finds that the covenant is consistent with such standards; and its presence in the record does not require denial of the application.

[1] Unless otherwise indicated, banking data are as of December 31, 1972, adjusted to reflect holding company acquisitions and formations approved through July 19, 1973.

[2] Data as of June 30, 1972.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are generally satisfactory. Considerations relating to the convenience and needs of the community are consistent with approval. It is the Board's judgment that consummation of the proposed transaction would be in the public interest, and that the application should be approved.

On the basis of the record,[3] the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[4] effective September 21, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-20855 Filed 10-1-73;8:45 am]

FIRST AT ORLANDO CORP.

Acquisition of Bank

First At Orlando Corporation, Orlando, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The Palmetto Bank and Trust Co., Palmetto, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 21, 1973.

Board of Governors of the Federal Reserve System, September 25, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20859 Filed 10-1-73;8:45 am]

FIRST BANC GROUP, INC.

Order Approving Acquisition of Bank

First Banc Group, Inc., Creve Coeur, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The Citizens Bank of Gerald, Gerald, Missouri (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The State Bank of Bay, Bay, Missouri (Protestant), objected to the proposal. Protestant states that Applicant's acquisition of Bank, together with Applicant's alleged control of the State Bank of Hermann, Hermann, Missouri (Hermann Bank), would substantially restrict competition and would have an adverse effect on Protestant. Bank and Hermann Bank compete in separate banking markets and are located approximately 30 miles apart. In addition, there are a number of banks that compete in the intervening area. In view of these facts, the Board finds that Applicant's acquisition of Bank would not substantially lessen competition in the areas served by either Bank or Hermann Bank. Further, since Protestant is located approximately 18 miles from Hermann Bank and 20 miles from Bank, it does not appear that consummation of this proposal would adversely affect Protestant.

Applicant controls one bank with deposits of $43.6 million,[1] representing less than 1 percent of total deposits in commercial banks in Missouri. Applicant's acquisition of Bank (deposits of $6.5 million) would not result in any significant increase in the concentration of banking resources in the State.

Bank is the seventh largest of eleven banks competing in its market area,[2] controlling 5.5 percent of total deposits in commercial banks in that market. Since Applicant's subsidiary bank is located approximately 65 miles from Bank, no significant existing competition would be eliminated upon consummation of this proposal. Due to the distance separating Bank from Applicant's subsidiary bank and Missouri's restrictive branching laws, it is unlikely that any significant competition between the two institutions would develop in the future. The Board finds that consummation of the proposal would have no adverse effect on existing or potential competition.

The financial and managerial resources and future prospects of Applicant, its subsidiary bank, and Bank are generally satisfactory and consistent with approval of the application. Although there is no evidence in the record

[3] Dissenting Statement of Governors Mitchell and Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[4] Voting for this action: Governors Daane, Sheehan, Bucher, and Holland. Voting against this action: Vice Chairman Mitchell and Governor Brimmer. Absent and not voting: Chairman Burns.

[1] Banking data are as of December 31, 1972, adjusted to reflect holding company formations and acquisitions through May 31, 1973.

[2] Bank's market area is approximated by the western two-thirds of Franklin and the southern half of Gasconade Counties.

to indicate that the banking needs of the area are currently not being met by existing financial institutions, Applicant proposes to offer trust services to Bank's customers on a referral basis. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

Through subsidiary companies formed or acquired prior to December 31, 1970, Applicant is also engaged in the nonbanking activities of owning land and providing data processing services. In making its determination herein, the Board has relied upon a finding that the combination of an additional subsidiary bank with Applicant's existing nonbanking subsidiaries is unlikely to have an adverse effect upon the public interest at the present time. However, Applicant's banking and nonbanking activities remain subject to Board review and the Board retains authority to require Applicant to modify or terminate its nonbanking activities or holdings if the Board at any time determines that the combination of Applicant's banking and nonbanking activities is likely to have adverse effects on the public interest.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[3] effective September 24, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-20856 Filed 10-1-73;8:45 am]

FIRST NATIONAL FINANCIAL CORP.

Acquisition of Bank

First National Financial Corporation, Kalamazoo, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by consolidation to The Moline State Bank, Moline, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 11, 1973.

Board of Governors of the Federal Reserve System, September 24, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20857 Filed 10-1-73;8:45 am]

FIRST NATIONAL HOLDING CORP.

Order Approving Retention of Tharpe & Brooks Incorporated

First National Holding Corp., Atlanta, Georgia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and section 225.4(b)(2) of the Board's Regulation Y, to retain all of the voting shares of Tharpe & Brooks Incorporated, Atlanta, Georgia (Company), a company that engages in the activities of making or acquiring real estate loans for its own account or for the account of others; servicing real estate loans and acting as insurance agent or broker selling credit life, accident and health insurance related to extensions of credit serviced by Company. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1), (3), and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 13581). The time for filing comments and views has expired, and none has been timely received.

Applicant controls one bank, The First National Bank of Atlanta, Atlanta, Georgia (Bank) with deposits of $1,030 million,[1] representing about 10 percent of total deposits in commercial banks in Georgia. Bank operates primarily in the Atlanta SMSA and, in addition to its other banking services, provides construction loans and permanent financing services on residential and income properties. Applicant's nonbanking subsidiaries, in addition to Company, are engaged in providing financial services including consumer financing, second mortgage loans, advising a real estate investment trust, computer services and factoring services.

Company (assets approximately $66 million, as of December, 1972) maintains its main office in Atlanta, Georgia and operates nine other branch offices in Georgia and has received approval to operate an office in Orlando, Florida. For the year 1972, Company ranked fourth among mortgage companies (over 51) operating in the Atlanta market in terms of value of mortgage recordings. Company's mortgage servicing portfolio as of June, 1972 totaled $372 million and was the 56th largest among mortgage companies in the country.

Company was acquired by Applicant in 1970. Although at the time of acquisition both Bank and Company were engaged in construction lending and one-to-four unit residential financing, no significant competition existed between Bank and Company in any lines of activity. For the year 1969, Bank's construction loan activities represented approximately 23 percent of the market total and, for the same period, Company's construction loan activities represented an insignificant amount (less than .1 percent) of the market total. Bank's mortgage lending activities on one-to-four unit residences in 1969 constituted .3 percent of the market while Company's mortgage lending activities represented approximately 3 percent of mortgages recorded in the Atlanta SMSA for the year 1969.[2]

The Atlanta area experienced rapid growth in mortgage lending activities during the 1968–1972 period and continues to be characterized by the presence of many lenders and a large lending volume. In 1969 more than 110 financial institutions recorded $636.8 million of mortgage loans in the area. For the year 1972, the volume of total mortgage loans recorded was more than double the 1969 total.

In view of the rapid growth of housing and mortgage loan demand in the Atlanta area, it appears likely, absent its acquisition of Company, that Applicant would have expanded its mortgage lending activities either de novo or through acquisition of a firm smaller than Company. However, the availability of such alternatives is mitigated by the fact that Applicant's acquisition of Company did not give Applicant a dominant position in the relevant mortgage market, nor a market share so great as to preclude the development of competition through the entry of other mortgage lenders into the area. In 1969, the country's fourth, eighth, ninth, twelfth, and fifteenth largest mortgage companies had offices in the Atlanta SMSA, and by 1972 six more of the nation's top 20 mortgage companies opened offices in the area.

The demand for mortgage lending services and the continued presence of a large number of financial organizations engaged in mortgage lending indicate that acquisition of Company by Applicant did not have significant anticompetitive effects. Moreover, public benefits would appear to result from Applicant's retention of Company since Applicant's continued support should enable Company to continue to expand its mortgage banking services in the Atlanta area and into new markets. These public benefits outweigh any possible adverse effects of acquisition and retention of Company by Applicant.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the

[3] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, and Holland. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

[1] All banking data are as of December 31, 1972.

[2] For the year, the mortgage lending activities of Bank and Company together represented approximately 1.4 percent of the total of mortgages recorded in the Atlanta SMSA.

Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective September 24, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-20858 Filed 10-1-73;8:45 am]

FIRST TENNESSEE NATIONAL CORP.

Acquisition of Bank

First Tennessee National Corporation, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successors by merger to (1) National Bank of Murfreesboro, Murfreesboro, Tennessee and (2) Sumner County Bank & Trust Co., Gallatin, Tennessee. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First Tennessee National Corporation's subsidiaries are also engaged in the following nonbank activities: Acting as reinsurer for underwriters of credit life insurance; and acting as a mortgage broker which manages real estate for others and develops real estate. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 20, 1973.

Board of Governors of the Federal Reserve System, September 24, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20860 Filed 10-1-73;8:45 am]

FIRST UNITED BANCORPORATION, INC.

Acquisition of Bank

First United Bancorporation, Inc., Fort Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Longview National Bank, Longview, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 20, 1973.

Board of Governors of the Federal Reserve System, September 24, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20861 Filed 10-1-73;8:45 am]

FIRST UNITED BANCORPORATION, INC.

Proposed Acquisition of Bankers Computer Services, Inc.

First United Bancorporation, Inc., Fort Worth, Texas, has applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Bankers Computer Services, Inc., Longview, Texas. Notice of the application was published on May 25, 1973 in Longview Daily News, a newspaper circulated in Longview, Texas.

Applicant states that the proposed subsidiary would engage in the activities of data processing of demand deposits, installment loans, and other similar banking financial or related economic data. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 20, 1973.

Board of Governors of the Federal Reserve System, September 24, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20862 Filed 10-1-73;8:45 am]

OLD KENT FINANCIAL CORP.

Acquisition of Bank

Old Kent Financial Corporation, Grand Rapids, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the National Lumberman's Bank and Trust Company, Muskegan, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 20, 1973.

Board of Governors of the Federal Reserve System, September 24, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20864 Filed 10-1-73;8:45 am]

SOUTHEAST BANKING CORP.

Order Approving Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Southeast National Bank of Manatee, Manatee County, Florida (Bank), a proposed new bank.[1]

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Florida and the second largest in the Manatee County Banking Market (approximated by Manatee County, Florida), controls 23 banks with aggregate deposits of about $1.6 billion, which represents approximately 8.3 percent of total deposits in commercial banks in Florida and about 22.1 percent of all such

[3] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, and Holland. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

[1] The Comptroller of the Currency granted preliminary approval to the charter application in the name of Southside National Bank of Manatee County. However, Applicant expects to change the name to Southeast National Bank of Manatee.

deposits in the Manatee County banking market.[2] Since Bank is a proposed new bank, consummation of the proposed acquisition would neither eliminate existing competition nor increase immediately Applicant's share of commercial bank deposits either in Florida or in the Manatee County market.

Bank would become the twelfth bank serving the Manatee County banking market and the third such bank to commence business during calendar year 1973. Both population and total commercial bank deposits have grown rapidly in Manatee County in recent years; and continued commercial and residential development is anticipated.[3] Moreover, the population of Bank's proposed service area—an area surrounding the new DeSoto Square Mall in southern Manatee County—has grown more rapidly in recent years than has the population of Manatee County as a whole. Bank's proposed service area overlaps that of one of Applicant's subsidiaries, Manatee National Bank of Bradenton, located approximately three miles away. However, four competing banks are located within three miles of Bank's proposed site, including two which are subsidiaries of the sixth and eighth largest banking organizations in Florida. Accordingly, the Board concludes that consummation of the proposed transaction would not adversely affect competition in any relevant area.

The financial and managerial resources and future prospects of Applicant and its present subsidiary banks are generally satisfactory; and future prospects for Bank are considered favorable. Considerations relating to the convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Southeast National Bank of Manatee, Manatee County, Florida, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

[2] Banking data are as of December 31, 1972, adjusted to reflect holding company acquisitions and formations approved through July 11, 1973.

[3] See the Board's Order of March 6, 1973 (38 FEDERAL REGISTER 6926), approving the application of Ellis Banking Corporation to acquire First Security Bank, Bradenton, Florida.

By order of the Board of Governors,[4] effective September 24, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-20866 Filed 10-1-73;8:45 am]

TWIN GATES CORP. AND NORTHERN STATES BANCORPORATION, INC.

Acquisition of Banks

Twin Gates Corporation, Wilmington, Delaware and Nothern States Bancorporation, Inc., Detroit, Michigan have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of First National Bank of Lake City, Lake City, Michigan. Twin Gates Corporation is a Bank Holding Company by virtue of its ownership of 14.2 percent of the outstanding shares of Northern States Bancorporation, Inc. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 14, 1973.

Board of Governors of the Federal Reserve System, September 25, 1973

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20865 Filed 10-1-73;8:45 am]

UNITED FIRST FLORIDA BANKS, INC.

Acquisition of Bank

United First Florida Banks, Inc., Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Boynton Beach First National Bank and Trust, Boynton Beach, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 20, 1973.

[4] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, and Holland. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

Board of Governors of the Federal Reserve System, September 24, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20868 Filed 10-1-73;8:45 am]

UNITED FIRST FLORIDA BANKS, INC.

Acquisition of Bank

United First Florida Banks, Inc., Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 85 percent or more of the voting shares of Marine Bank of Kissimmee, Kissimmee, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 20, 1973.

Board of Governors of the Federal Reserve System, September 24, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20867 Filed 10-1-73;8:45 am]

NATIONAL RESEARCH COUNCIL

CONFERENCE ON HEALTH EFFECTS OF AIR POLLUTANTS

Notice of Program

Washington—Increasing public concern over the health effects of air pollution led the Congress in 1970 to pass the Clean Air Act.

Implementation of the measure has, in turn, led to increasing public concern over the costs of clean air.

And this circumstance has led the Congress, in 1973, to seek the most up-to-date data available on the actual effects on human health of specific atmospheric pollutants—and, quite possibly, to reevaluate the standards for air quality that have been established by current legislation.

A first step has been a contract between the Senate Committee on Public Works, responsible for anti-pollution legislation, and the National Academy of Sciences for a conference on health effects of air pollutants to be held October 3–5 at the Academy, 2101 Constitution Avenue NW.

The purpose of the conference will be to examine relevant data, evaluate their reliability, and point out critical gaps in knowledge. It is being organized by the Assembly of Life Sciences of the National Research Council.

Conference participants will discuss carbon monoxide, sulfur oxides, particulates, nitrogen oxides, and hydrocarbons

and oxidants—all the substances for which national ambient air quality standards have been set. Topics covered will include: effects of the pollutants on human physiology and behavior, mutagenic and carcinogenic effects, and extrapolation of animal studies to humans. A copy of the program is set forth below.

PROGRAM—CONFERENCE ON HEALTH EFFECTS OF AIR POLLUTANTS

WEDNESDAY, OCTOBER 3, 1973

9:00 a.m.	Welcome, Philip Handler, President, National Academy of Sciences.
9:20	A Congressional Perspective on the Role of the Scientific Community in the Development of Environmental Policy—Senator Edmund S. Muskie.
Introduction.	
9:40	Interactions of Air Pollutants—Jack G. Calvert, Department of Chemistry, Ohio State University.
Session 1—	Carbon Monoxide.
Moderator—	James L. Whittenberger, Harvard School of Public Health.
10:10	Effects on Human Physiology—Donald Bartlett, Jr., Department of Physiology, Dartmouth Medical School.
10:40	Effects on Human Behavior—Steven M. Horvath, Institute of Environmental Stress, University of California, Santa Barbara.
11:10	Invited Discussion—Bertram D. Dinman, Medical Director, Alcoa, Pittsburgh.
11:25	Open discussion.
Session 2—	Sulfur Oxides and Particles.
Moderator—	Arthur C. Stern, University of North Carolina School of Public Health, Chapel Hill.
1:30 p.m.	Animal Studies—Mary O. Amdur, Harvard School of Public Health.
2:00	Effects on Human Physiology—Robert Frank, Department of Environmental Health, University of Washington School of Public Health and Community Medicine.
2:30	Epidemiology—Ian T. T. Higgins, University of Michigan School of Public Health, Ann Arbor.
3:00	Invited Discussion—Bertram W. Carnow, Division of Environmental Health, University of Illinois College of Medicine.
3:30	Open discussion.

THURSDAY, OCTOBER 4, 1973

Session 3—	Nitrogen Oxides.
Moderator—	Herbert E. Stokinger, National Institute of Occupational Safety and Health, Department of Health, Education, and Welfare, Cincinnati.
9:00 a.m.	Animal Studies—T. Timothy Crocker, Department of Community and Environmental Medicine, University of California, Irvine.
9:30	Epidemiology—Carl M. Shy, Environmental Protection Agency, Research Triangle Park, North Carolina.
10:00	Sampling and Analysis—Bernard E. Saltzman, Kettering Laboratory, University of Cincinnati College of Medicine.
10:30	Invited Discussion — Elliot Goldstein, Department of Internal Medicine, University of California, Davis.
11:00	Open discussion.
Session 4—	Hydrocarbons and Oxidants.
Moderator—	Herschel E. Griffin, University of Pittsburgh Graduate School of Public Health.
1:30 p.m.	Photochemistry of Oxidants—Edgar R. Stephens, Statewide Air Pollution Research Center, University of California, Riverside.
2:00	Toxicology—Oscar J. Balchum, Department of Physiology, University of Southern California Medical School.
2:30	Clinical Studies—David Bates, University of British Columbia, Vancouver.
3:00	Epidemiology—Robert E. Carroll, Department of Medicine, Albany Medical College.
3:30	Invited Discussion—Leslie A. Chambers, University of Texas School of Public Health, Houston.
4:00	Open discussion.

FRIDAY, OCTOBER 5, 1973

Session 5—	General Problems.
Moderator—	Norton Nelson, Institute of Environmental Medicine, New York University Medical Center.
9:00 a.m.	Conceptual Basis for Establishing Standards—John F. Finklea, Environmental Protection Agency, Research Triangle Park, North Carolina.
9:45	Mutagenicity and Carcinogenicity of Air Pollutants—Paul Kotin, Health Sciences Center, Temple University.
10:15	Mutagenicity of Air Pollutants—Samuel S. Epstein, Department of Environmental Health and Human Ecology, Case Western Reserve University School of Medicine.
10:30	Invited Discussion—John W. Drake, Department of Microbiology, University of Illinois, Urbana.
10:45	Open discussion.
Summary	
11:30	Abel Wolman, Department of Sanitary Engineering, Johns Hopkins University.

BRADLEY C. BYERS,
Public Information Officer, National Academy of Sciences/National Research Council.

[FR Doc.73-21010 Filed 10-1-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR OCEANOGRAPHY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Advisory Panel for Oceanography will be held at 9 a.m. on October 24 and at 8:30 a.m. on October 25, 1973, at 1800 G Street NW., Washington, D.C. 20550 (room numbers are indicated in the agenda below).

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects and to advise the Foundation of the impact of its research support programs on the scientific community in Oceanography.

The agenda for this meeting shall include:

OCTOBER 24

(Rooms 511 and 517)

9:00	Review and evaluation of research proposals

OCTOBER 25

8:30	Review and evaluation of research proposals (Rooms 511 and 642)
3:00	Panel discussion of the following topics (Room 642; open to the public): 1. Review of program statistics 2. Review of facilities support 3. Other business
5:00	Adjournment

The afternoon portion of the meeting on October 25 (from 3 p.m. to 5 p.m.) shall be open to the public. The remainder of the meeting is concerned with matters which are within the exemptions of the Freedom of Information Act, (5 U.S.C. 552 (b)), and will not be open to the public in accordance with the determination by the Director, National Science Foundation, dated January 15, 1973, pursuant to the provisions of section 10 (d) of the Federal Advisory Committee Act.

Persons who require further information concerning this Panel may contact Dr. M. Grant Gross, Head, Oceanography Section, Room 317, 1800 G Street NW., Washington, D.C. 20550. Summary minutes pertaining to the open portion of this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director for Administration.

SEPTEMBER 25, 1973.

[FR Doc.73-20900 Filed 10-1-73;8:45 am]

ADVISORY PANEL FOR PHYSICS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Advisory Panel for Physics will be held at 9 a.m. on October 11, 12, and 13, 1973, at 1800 G Street NW., Washington, D.C. 20550 (room numbers are indicated in the agenda below). The purpose of this Panel is to provide general advice and recommendations on the impact of the NSF support of Physics.

The agenda for the meeting shall include:

OCTOBER 11

(Room 540)

9:00 Remarks and presentations by NSF officials and staff on the following topics:
1. NSF FY 1974 budget
2. "User" mode of research in Physics
3. Peer review system in evaluating Physics proposals
4. Support of research with extrinsic interest and applications
5. Other business of interest to the Panel

OCTOBER 12

(9 a.m. to 2 p.m. in Room 540 2 p.m. to 5 p.m. in Room 517)

9:00 Review of Solid State and Low Temperature Physics: NSF support and National perspective
3:30 Discussion of proposed support of individual Physics projects
5:00 Adjournment

OCTOBER 13

(Room 540)

9:00 Continuation of review of Solid State and Low Temperature Physics and remaining topics relating to other areas of Physics

This meeting shall be open to the public except for the portion from 3:30 p.m. to 5:00 p.m. on October 12, 1973. This portion of the meeting is concerned with matters which are within the exemptions of the Freedom of Information Act (5 U.S.C. 552(b)) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated January 15, 1973, pursuant to the provisions of Section 10(d) of the Federal Advisory Committee Act.

Persons who require further information concerning this Panel may contact Dr. Marcel Bardon, Head, Physics Section, Room 348, 1800 G Street NW., Washington, D.C. 20550. Summary minutes of the open portion of the meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director for Administration.

SEPTEMBER 20, 1973.

[FR Doc.73-20902 Filed 10-1-73;8:45 am]

ADVISORY PANELS FOR BIOCHEMISTRY AND BIOPHYSICS

Notice of Meetings

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of meetings of the following panels including the individuals to contact for further information respecting each panel. The purpose of each of these advisory bodies is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

ADVISORY PANEL FOR BIOCHEMISTRY

Date and time of meeting.—October 19 and 20, 1973; 9 a.m.

Location of meeting.—Room 338, 1800 G Street NW., Washington, D.C. 20550.

Agenda.—The agenda will be devoted to the review and evaluation of research proposals.

For further information, contact.—Dr. Roy Repaske, Program Director, Biochemistry Program, Room 329, 1800 G Street NW., Washington, D.C. 20550.

ADVISORY PANEL FOR BIOPHYSICS

Date and time of meeting.—October 19 and 20, 1973; 9 a.m.

Location of meeting.—Room 338, 1800 G Street NW., Washington, D.C. 20550.

Agenda.—The agenda will be devoted to the review and evaluation of research proposals.

For further information, contact.—Dr. Eloise E. Clark, Acting Head, Molecular Biology Section, Room 329, 1800 G Street NW., Washington, D.C. 20550.

These meetings are concerned with matters which are within the exemptions of the Freedom of Information Act (5 U.S.C. 552(b)) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated January 15, 1973, pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act.

T. E. JENKINS,
Assistant Director for Administration.

SEPTEMBER 25, 1973.

[FR Doc. 73-20901 Filed 10-1-73;8:45 am]

TARIFF COMMISSION

[AA1921-125]

GERMANIUM POINT CONTACT DIODES FROM JAPAN

Determination of No Injury or Likelihood Thereof

SEPTEMBER 26, 1973.

On June 26, 1973, the Tariff Commission received advice from the Treasury Department that germanium point contact diodes from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended (19 U.S.C. 160 (a)). Accordingly, the Commission, on July 10, 1973, instituted investigation No. AA1921-125 under section 201(a) of that act, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such diodes into the United States.

A public hearing was held on August 27, 1973. Notice of the investigation and hearing was published originally in the FEDERAL REGISTER of July 11, 1973 (38 FR 18500). Notice of the rescheduling of the hearing date from August 14, 1973, to August 27, 1973, was published in the FEDERAL REGISTER of August 10, 1973 (38 FR 21694).

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from responses to questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission[1] has determined unanimously that an industry in the United States is not being or is not likely to be injured, or is not prevented from being established, by reason of the importation of germanium point contact diodes from Japan sold, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of Reasons[2]

This investigation relates to sales of germanium point contact diodes from Japan, which the Treasury has found to have been sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended. Such diodes are semiconductor devices used largely in video detector circuits of television receivers and audio detector circuits of FM radio receivers. Imported germanium point contact diodes, including those found to have been sold at LTFV, are provided to the specifications of the consumer, and therefore do not differ from those of the sole domestic producer if made to the same specifications.

The Treasury Department found that LTFV sales accounted for the great bulk of total imports of germanium point contact diodes from Japan during the period of its investigation. The margin by which such diodes were sold below fair value, however, was not large. All those found to have been sold at LTFV were the product of one Japanese firm.

Germanium point contact diodes are currently produced in the United States by one firm (the complainant), although they have been manufactured by several firms in the past. The present manufacturer began to produce such diodes in 1971—a time when the U.S. market was being supplied entirely by imports and when imports from Japan peaked. Since then, the company has expanded its production of them, and it has acquired a growing share of the U.S. market while the share accounted for by both its Japanese and European competitors has diminished. The firm's share of U.S. consumption of the specific types of diodes sold at LTFV is even larger than its share of consumption of other types. It appears to have overcome startup difficulties and has increased its output and sales substantially.

Germanium point contact diodes imported from Europe have accounted for the predominant part of U.S. consumption during 1968-72 and January-June 1973. Annual U.S. imports of such diodes from Japan rose sharply in 1971, being nearly triple its average annual imports during 1968-70. However, imports of such diodes from Japan declined in 1972. In part of that year and in the first half of 1973, a period which encompassed the period of Treasury's investigation, the imports from Japan supplied a smaller

[1] Commissioners Leonard, Moore, and Young did not participate in the decision.

[2] Commissioner Ablondi concurs in the result.

share of U.S. consumption that in 1971.

Although there is evidence of substantial price competition in the U.S. market for germanium point contact diodes, any depression of the prices of domestic articles cannot be related specifically to the sales at LTFV of the Japanese product. Generally, the Japanese articles, whether at fair value or LTFV, have greatly undersold both domestic and European diodes. Moreover, the relatively small LTFV margin did not contribute materially to the price differences and, consequently, was not a significant factor in any price depression that occurred.

On the basis of the foregoing, the Commission concludes that a domestic industry is not being or is not likely to be injured, nor is prevented from being established, by reasons of the importation of germanium point contact diodes into the United States from Japan at less than fair value.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-20936 Filed 10-1-73;8:45 am]

[TEA-W-214]

WORKERS' PETITION FOR A DETERMINATION

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of the Linden, N.J., plant of the G A F Corp., New York, New York, the United State Tariff Commission, on September 26, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with synthetic organic dyes and pigments (of the types provided for in items 406.10, 406.50, and 406.70 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued September 26, 1973.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-20935 Filed 10-1-73;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Notice of Meeting

The BRAC Committee on Occupational Safety and Health Statistics will meet at 10:00 a.m., October 23, 1973, 8th floor (Board Room), 100 Indiana Avenue, NW., Washington, D.C. The agenda for the meeting is as follows:

1. Annual Survey Program.
   July-December 1971 survey.
   1972 survey.
   1973 survey.
2. Quality Measurement Survey.
3. Proposed Recordkeeping Revision.
4. State Grants Activities.
5. New York State Study.

It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961-2559.

Signed at Washington, D.C., this 26th day of September 1973.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.73-20885 Filed 10-1-73;8:45 am]

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON WAGES AND INDUSTRIAL RELATIONS

Notice of Meeting

The BRAC Committee on Wages and Industrial Relations will meet at 1:30 p.m., October 23, 1973, at the General Accounting Office Building, 441 G Street NW., Room 4454, Washington, D.C. The agenda for the meeting is as follows:

1. Review of OWIR Work in Progress.
2. Committee Appraisal of OWIR Programs.
3. Status report of the General Wage Index (emphasis on developments since last meeting).
4. Studies for the Employment Standards Administration (a review of the FY 1974 program).
5. New arrangements for bargaining in the Steel industry (overview by Robert C. Fisher).
6. Preview of 1974 collective bargaining (BLS discussion of who will bargain and the possible environment).

It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961-2559.

Signed at Washington, D.C., this 26th day of September 1973.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.73-20886 Filed 10-1-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-277; 50-278]

PHILADELPHIA ELECTRIC COMPANY (PEACH BOTTOM ATOMIC POWER STATION, UNITS 2 AND 3)

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

William C. Parler, Chairman
Michael C. Farrar, Member
Dr. Lawrence R. Quarles, Member

Dated September 25, 1973.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.73-20837 Filed 10-1-73;8:45 am]

[Docket No. 50-259]

TENNESSEE VALLEY AUTHORITY (BROWNS FERRY NUCLEAR PLANT, UNIT 1)

Issuance of Amendment to Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-33 to the Tennessee Valley Authority (the licensee). This amendment authorizes the licensee to possess 1,000 millicuries of sodium-24 instead of 500 millicuries and 1 millicurie of Americium-241 without restriction as to the chemical or physical form instead of in the form of sealed or plated sources. The facility is a boiling water nuclear reactor located at the licensee's site in Limestone County, Alabama.

Additional Sodium-24 is required for efficiency testing of Unit 1 turbine by means of steam quality determinations. The 1 millicurie of Americium-241 is needed without restriction as to chemical or physical form to allow the material to be procured in liquid form, so individual sources which will be used in the calibration of the radiochemical laboratory counting instrumentation can be fabricated in the same manner as the samples whose activity is to be measured. The licensee has described in a letter to the Commission dated September 17, 1973, the material's usage and control and has in force for the Browns Ferry Nuclear Plant, Standard Practice Number 8, entitled "Radioactive Byproduct Materials," which contains procedures and authorizations regarding safety, control, and accountability requirements governing the storage and use of licensed byproduct material such as Sodium-24 and Americium-241. It is concluded therefrom that this amendment does not

present a significant hazards consideration.

The Director of Regulation has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment.

The amendment is effective as of the date of issuance. The licensee's application for amendment dated September 17, 1973, and a copy of Amendment No. 1 to Facility Operating License No. DPR-33 is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20545, and the Athens Public Library, South and Forrest, Athens, Alabama 35611. Single copies of the amendment may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 25th day of September, 1973.

For the Atomic Energy Commission.

FRANCIS J. WILLIAMS, Jr.,
Boiling Water Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.73-20838 Filed 10-1-73;8:46 am]

GENERAL ADVISORY COMMITTEE RESEARCH SUBCOMMITTEE

Notice of Meeting

SEPTEMBER 27, 1973.

The FEDERAL REGISTER notice for the October 8-9, 1973 meeting of the Atomic Energy Commission's General Advisory Committee's Research Subcommittee, published on September 11, 1973, at page 24937 (Vol. 38, No. 175), is amended to state that the purpose of the meeting is to discuss and exchange views on the basic research aspects of coal as an energy source, including coal gasification and liquefaction, and that the meeting will be open to the public, with the exception that the Subcommittee will meet in Executive Session for approximately one hour at the beginning of the meeting on October 8 and for the second half of the day on October 9.

During the open portions of the meeting, the Subcommittee will meet with Arthur M. Squires (City University of New York), Seymour B. Alpert (Electric Power Research Institute), Wendell H. Wiser (University of Utah), and Philip L. Walker (Pennsylvania State University).

AGENDA

October 8	9:00 a.m.-10:00 a.m.—Executive Session.
	10:00 a.m.-5:00 p.m.—Discussions on basic research aspects of coal as an energy source (includes approximately a one hour recess for lunch).
October 9	9:00 a.m.-12:30 Noon—Discussion on basic research aspects of coal as an energy source.
	12:30 Noon-1:30 p.m.—Lunch recess.
	1:30 p.m.-5:00 p.m.—Executive Session.

I have determined that the executive sessions to be held, as listed in the Agenda are to be closed to the public under the authority of subsection 10(d) of Pub. L. 92-463 (the Federal Advisory Committee Act) to exchange preliminary opinions and views of the Subcommittee members on the tentative formulation of recommendations to the full Committee concerning the subject matter of this meeting and for preliminary evaluation of the Subcommittee's study of AEC's basic research program to date, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). In addition, I have determined that a portion of the sessions open to the public, may be closed if it becomes necessary to discuss information considered to be privileged within the meaning of exemption (4) of 5 U.S.C. 552(b).

It is essential to close the portions of the meeting described above to protect any privileged information discussed and to protect the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements on the subject for discussion may do so by mailing 12 copies thereof to the Secretary, General Advisory Committee, U.S. Atomic Energy Commission, Washington, D.C. 20545. Although it is desired to receive statements prior to the meeting, statements will be accepted up to the close of business on October 19, 1973.

(b) Questions may be propounded only by members of the Committee.

(c) Seating for the public will be available on a first-come, first-served basis.

(d) Copies of minutes of public sessions will be made available for copying, in accordance with the Federal Advisory Committee Act, on October 23, 1973, at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., upon payment of all charges required by law.

ROBERT A. KOHLER,
Acting Advisory Committee Management Officer.

[FR Doc.73-21075 Filed 10-1-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' WORKING GROUP ON PEAKING FACTORS

Amendment to Notice of Meeting

SEPTEMBER 28, 1973.

The FEDERAL REGISTER notice for the October 10, 1973 meeting of the Atomic Energy Commission's Advisory Committee on Reactor Safeguards' Working Group on Peaking Factors (published on September 27, 1973, at page 26954, Vol. 38, No. 187), is amended to change the time for the public portion of the meeting on Wednesday, October 10, 1973, from the hours of 2:30-5:30 p.m. to 1:00-4:00 p.m.

I have also determined that an additional portion of the meeting, which is being added to the agenda, may be closed to the public to discuss information regarding an analytical model for nuclear reactor fuel densification, which information is considered privileged and falls within exemption (4) of 5 U.S.C. 552(b). It is necessary to close this portion of the meeting to protect such privileged information.

All other aspects of the notice of meeting published in the FEDERAL REGISTER on September 27, 1973 remain the same.

ROBERT A. KOHLER,
Acting Advisory Committee Management Officer.

[FR Doc.73-21095 Filed 10-1-73;11:18 am]

INTERSTATE COMMERCE COMMISSION

[Notice 353]

ASSIGNMENT OF HEARINGS

SEPTEMBER 27, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 22278 Sub 43, Takin Bros. Freight Line, Inc., now assigned October 16, 1973, at Chicago, Ill., is postponed to October 31, 1973, at Chicago, Ill., same time and place.

No. 35863, Montana Intrastate Rail Freight Rates and Charges, 1973, now assigned November 28, 1973, at Billings, Montana, is canceled and reassigned to November 28, 1973, at Helena, Montana, in the House Chambers, Montana State Capitol.

W-1270, Mascony Transport and Ferry Service, Inc., now assigned October 29, 1973, at New London, Conn., will be held at Council Chambers, 3d Floor, Municipal Building.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-20931 Filed 10-1-73;8:45 am]

[Notice 354]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27,

1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 23, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74563. By order of September 21, 1973, the Motor Carrier Board approved the transfer to Harry E. Shea Sons, Inc., Cinnaminson Township, N.J., of the operating rights in Certificate No. MC–59517 issued January 27, 1942, to Harry Edward Shea, Cinnaminson Township, N.J., authorizing the transportation of agricultural commodities, lumber, lime, fertilizer, and farm implements, from Riverton, N.J., Philadelphia, Chester, Norristown, and Harrisburg, Pa., to points in New Jersey and to specified points in Pennsylvania, Maryland, New York, and New Jersey, varying with the particular commodity involved. William B. Hutchinson, Jr., 6024 Westfield Avenue, Pennsauken, N.J. 08110. Attorney for applicants.

No. MC–FC–74634. By order of September 25, 1973, the Motor Carrier Board approved the transfer to George Washington Boyer, Doing Business As George W. Boyer Trucking, Hedley Street, Philadelphia, Pa., of Permit No. MC–49071 issued to John M. Konopka, Joseph E. Konopka, and Donald J. Konopka, Doing Business As John Konopka & Sons, (above address) Philadelphia, Pa., authorizing the transportation of: Various commodities, such as, refractory products, aggregate materials, insulation materials, etc., from Philadephia, Pa., to points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Rhode Island, Maryland, and Virginia.

No. MC–FC–74668. By order of September 25, 1973, the Motor Carrier Board approved the transfer to REB Transportation, Inc., Fort Worth, Tex., of Certificate No. MC–88380 issued December 3, 1970, to Cherokee Freightways, Inc., authorizing the transportation of pipe from Memphis, Tenn., to points in Kansas and Oklahoma; oilfield equipment and supplies between points in Illinois, Missouri, Oklahoma, Indiana, and Kentucky, and between points in Indiana and Kentucky, on the one hand, and, on the other, points in Kansas and Texas; and machinery, materials, supplies, and equipment between points in Oklahoma, Kansas, and Texas. Mr. Bernard H. English, attorney at Law, 6270 Firth Road, Fort Worth, Tex. 76116.

No. MC–FC–74713. By order of September 29, 1973, the Motor Carrier Board approved the transfer to Gary Monroe Pendergraft, doing business as Bee Line Freight, Tahlequah, Okla., of the operating rights in Certificates Nos. MC–125419 and MC–125419 (Sub-No. 1) issued April 3, 1964, and June 23, 1965, to Kelley Davis, doing business as Davis Truck Line, Tahlequah, Okla., authorizing the transportation of general commodities, over a regular route, between Fort Smith, Ark., and Hulbert, Okla., and between Tahlequah, Okla., and Muskogee, Okla. Tom Harper, Jr., 13 North Seventh Street, P.O. Box 43, Fort Smith, Ark. 72901.

No. MC–FC–74717. By order of September 25, 1973, the Motor Carrier Board approved the transfer to Swift-Way Transports, Inc., St. Peters, Mo., of the operating rights in Certificate No. MC–21800 issued February 16, 1968, to St. Louis Metro Express, Incorporated, St. Louis, Mo., authorizing the transportation of general commodities, with usual exceptions, between points in Missouri within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, and between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in St. Louis County, Mo., not within the commercial zone. Lee K. Mathews, Room 1302, 411 North 7th Street, St. Louis, Mo. 63101, attorney for applicants.

No. MC–FC–74725. By order of September 25, 1973, the Motor Carrier Board approved the transfer to Bernard Keith Cox, doing business as B. K. Cox Trucking, Tennant, Iowa 51574, of the operating rights in Certificate No. MC–136011 (Sub-No. 1) issued September 15, 1972, to Cox Grain & Feed Company, a corporation, Tennant, Iowa, 51574, authorizing the transportation of general commodities, with usual exceptions, from Omaha, Nebr., to Tennant, Iowa, and points within 15 miles of Tennant, and livestock, between Tennant, Iowa, and points within 15 miles thereof, on the one hand, and, on the other, Omaha, Nebr.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–20929 Filed 10–1–73;8:45 am]

[Notice 363]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 27, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–74753. By application filed September 25, 1973, REYCO MOTOR EXPRESS, INC., 5412 S. 24th St., Fort Smith, Ark. 72901, seeks temporary authority to lease the operating rights of ALVIN G. HASEN, doing business as HASEN TRUCK LINE, Route 4, Booneville, Ark. 72927, under section 210a(b). The transfer to REYCO MOTOR EXPRESS, INC., of the operating rights of ALVIN G. HASEN, doing business as HASEN TRUCK LINE, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–20930 Filed 10–1–73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet at 10:00 a.m., Thursday, October 4, 1973, at 2025 M Street NW., Washington, D.C.

The agenda will consist of discussions leading to recommendations on specific Phase II and Phase III wage cases in the food area, and future wage policy.

Since the above stated meeting will consist of discussions of future food wage policy and Phase II and Phase III cases for decision, pursuant to authority granted me by the Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C., on October 1, 1973.

HENRY H. PERRITT, JR.,
Executive Secretary,
Cost of Living Council.

[FR Doc.73–21090 Filed 10–1–73;10:49 am]

CUMULATIVE LISTS OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during October.